

**PXHUBIG**


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## TVM HISTORICAL ANALYSIS

### 1. Introduction

This document seeks to assemble a resource document that tracks the history and major events of the Transvaginal Mesh Litigation. Given the number of Courts with TVM case filings; the number of cases; the number of participant plaintiffs' attorneys who have contributed; the lengthy period of time; and the sheer number of products put forward by the eight defendants there are multiple approaches and infinite points of view from which to look into the recent past. The core method, the most useful for most purposes will be the TIMELINE. In this regard, we shall set out milestones of key events in each undertaking by Defendant.

However, a simple timeline will often be inadequate to understand the interplay of state and federal forum; the personalities of the leadership and lawyers discovering and prosecuting the cases. Thus, we will address in turn: Products; Courts; Attorneys; Organization and Rules; Resolution; and Common Fund hour submission, submitted and reimbursed costs; and held costs.

This document assumes the reader has a strong knowledge of the TVM products and will not attempt to give a complete recounting of the medical purposes or of the device origins. Briefly, woven plastic mesh was adapted from its first use as surgical hernia mesh to provide a device to address pelvic floor disorders and stress incontinence disorders in women. Early adapters utilized primarily polypropylene sheets of woven mesh cut to fit the surgical space. Companies providing devices quickly began to precut mesh into forms, and package them together with various installation tools and instructions.

Commencing in late 1990's-The companies took full advantage of the FDA 510k program to bring the products to market without premarket approval by making claims that the products were "substantial equivalent" to predicate products. An entire industry of products were brought to market each in essence vouching for each other. With the exception of the Gynemesh (Ethicon) TVT very little clinical testing was performed. Almost all clinical testing that was performed during the time of pressured marketing was for competitive comparison marketing reasons.

Around the time of, and particularly, in the time following the 2008 FDA notice, firms began gathering TVM cases. At first the numbers were small, but often as by catch of the Kugel hernia mesh MDL prosecuted in Rhode Island, cases began to be filed in several jurisdictions. A small number of Plaintiff's firms brought these early cases. The earliest case filings were in various courts. Bard and Ethicon were filed in New Jersey, and two consolidations were formed in front of Judge Higbee in Atlantic County. AMS cases were filed in California and in Minnesota. Some Boston Scientific cases were filed in Massachusetts.

There were a series of cases brought against MENTOR and an MDL was formed in Georgia. Henry Garrard was lead of that MDL and obtained a settlement for his cases. The MDL continued with new leadership.

The Avaulta MDL, MDL 2187, formed in the SDWVA before Judge Goodwin around October 21, 2010. At its commencement, the MDL was quite small, formed primarily by the filing of cases with a local defendant doctor from Huntington. At the time of the formation, there were 88 Bard filed cases, by far the majority being cases of Henry Garrard. Henry Garrard was lead counsel, Henry Garrard, Fred Thompson and Lawrence Tweel were named co-liaison Counsel.

Within that MDL, substantial discovery was undertaken early, primarily devoted to the AVAULTA pop kit, which was the device implanted by the local doctor. As such, the Bard MDL was front end loaded with high value, serious revision



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cases. Decisions relating to search items, selection of esi vendor, and deposition protocols were entered into that strongly influence the later forming mdls before Judge Goodwin.

During the period immediately surrounding the release of the July 13, 2011 FDA Notice, the TVM tragedy began to gather considerable publicity, and many law firms began to gather clients. In this atmosphere, large numbers of firms began discussions of organization to tackle what was clearly a broad, practice wide problem that crossed individual product and individual manufacturer lines. It was this crush of claims coming forward that drove the efforts to create an organization.

Two factors drove the organization. First, despite multiple products, and despite multiple manufacturers, the signature injuries were similar enough to be seen as class effects, and there was considerable advantage to having the MDLs before a single judge. Rulings on such things as preemption, product defect, and a host of evidentiary and scientific rulings ran a considerable risk of inconsistent and contradictory rulings throughout the country if in multiple MDL courts. Of course, original Plaintiff's counsel had considerable contact with J. Goodwin and had confidence in that forum, particularly given the dangers of Bard and Ethicon having the ability to get to New Jersey; Boston to get to Massachusetts; and AMS to get to Minneapolis. Because Bard was running already in West Virginia, with CMOs in place, the task of convincing the JPML was eased. Second, there was a true divided competition for leadership and control of the litigation, and such competitive dynamics resonate to the present. This competition was resolved by compromise and cooperation. Three persons became COORDINATING CO-LEADS (Henry Garrard, Bryon Ailstock and Fred Thompson) Four MDLs were formed, each with two co-leads: Bard, MDL 2187: Henry Garrard and Derrick Potts; Ethicon, MDL 2327: Tom Cartmell and Rene Bagget; AMS, MDL 2325: Fidelma Fitzpatrick and Amy Eskin; and Boston Scientific, MDL2326 : Clayton Clark and Aimee Wagstaff. A Science Committee was formed with Mark Mueller and Tom Anderson as chairs. Three Liaison Counsel: Carl Frankowitz, Harry Bell, and Paul Farrell were selected. These persons have functioned as an Executive Committee for the Consolidated MDL Steering Committee.

Given the reality of prosecuting both by labor and by financial undertaking a many fronted war against four separate (later seven) large companies, qualified and motivated attorneys were invited to participate in a unified Plaintiffs' Steering Committee. Although reaching as many as 60 plus members, when seen in the light of division of labor to confront four (later seven) defendants, these numbers were not too many. A single unified Steering Committee allowed a single organization, a single set of administrative requirements, and a single set of financial books. It also insured that poor assignments would not be starved by perceived desirable assignments. All would be evaluated at the end in a rational Common Benefit fee process.

In the cold light of retrospect, given the competitive dynamics, and the cross dynamic of state court consolidation and prosecution, one could argue that a shootout for leadership rather compromise would have been the better course, but the sheer complexity of the undertaking makes this author continue to believe this organization was well conceived and pressed the cases forward as well as could be.

What was not completely understood at the time of inception of the MDL was the extent to which competition BETWEEN defendants would impact their joint positions. Given their joint and cooperative appearances and positions before the FDA, it would have been easy to believe they would pursue the cases with joint defenses. Defendants have substantially pursued separate defense strategies and particularly any effort to achieve universal resolution has fallen short. Each has kept its secrets and pursued its own financial fix.

Finally, these MDLs have existed during a revolution in electronic data storage and ESI use in the law. The MDLs have benefited from their ESI efforts to develop strong liability and causation causes for each product. At the outset, the



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engagement of Crivella in the Bard mdl was state of the art, and to continue their engagement after formation of the other mdls made sense, and maintaining the 100, 000,000 document files through the mdl at contracted rates is obviously proper, but in the ensuing years, the cost to store data has dipped so low, and the resiliency of alternative storage sites is so increased that this relationship would not be entered into for a newly developing mdl.

## 2. Time Line

Each MDL has its own pacing. While we could shuffle all into a single timeline, it is likely that the result will be unwieldy. Therefore, I have shown four separate timelines, one for each major product defendant. Also, because the actual cmos entered provide a wealth of timely information, and an inerrant fixing of action to date, I have used the cmos as a chronological backbone for each mdl. Where this memo is reproduced electronically, the reader can click on the linked title of the cmo and pull up the full document in real time.

### a. Bard/Covidian

#### Date

2008	Bard case filing New Jersey state court	TVM suits are filed of record in Atlantic County before Judge Higbee---she initiates consolidation. F. Fitzpatrick and Jeff Grand are co-liaison.
2008	Bard Case filing 10/15/2008 FDA ADVISORY	

Bard MDL petition approved for SDWVA (88 cases of record) Garrard lead and Lawrence Tweel and Fred Thompson liaison..

Bard Consolidation approved Atlantic County. Fidelma Fitzpatrick co-lead

2008- Active Discovery against Bard. CMOs negotiated, vendor retained ( Crivella); experts retained. Experts with background in Kugel mesh are approached. Discovery plan implemented through HGG. While cases are pending JPML petition is filed by HGG for MDL in SDWVA. MR participates in corporate depositions and other depositions of Bard expert witnesses. Under Court CMO schedule, Bard cases are worked up for bell weather trials.

#### Orders



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Pretrial Order #1 - October 21, 2010  
(Initial Conference and Case Management)

Pretrial Order #2 - December 09, 2010  
(Initial Conference)

Pretrial Order #3 - February 01, 2011  
(Appointment of Lead Counsel and Plaintiffs' Steering Committee; Status Conference)

Pretrial Order #6 - April 25, 2011  
(Trial Pool)

Pretrial Order #7 - June 07, 2011  
(Stipulated Protective Order)

Pretrial Order #8 - June 07, 2011  
(Proposed Discovery, Scheduling, and Case Management Order-Initial Discovery Group)

Pretrial Order #9 - June 07, 2011  
(Plaintiffs' Fact Sheets and Defendants' Fact Sheets)

Pretrial Order #10 - June 07, 2011  
(Stipulated Case Management Order Regarding Joint Records Collection)

Pretrial Order #11 - June 07, 2011  
(Stipulation for the Production of Documents and Electronically Stored Information Protocols)

7/13/2011 FDA NOTICE TO PHYSICIANS

Pretrial Order #13 - July 20, 2011  
(Re Stipulated Order Concerning Redaction of Material from Adverse Event Reports, Complaints, and Other Documents)

Pretrial Order #14 - July 25, 2011  
(Additional Appointment to Plaintiffs' Steering Committee)

Pretrial Order #16 - August 02, 2011  
(Discovery Regarding Insurance Information)

Pretrial Order #18 - September 07, 2011  
(Stay Deadline for Answers to Outstanding Complaints)



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9/28/2011. FDA ADVISORY GROUP CONVENES

Pretrial Order #21 - November 17, 2011  
(Lead Counsel for Defendant Tissue Science Laboratories)

Pretrial Order #23 - December 01, 2011  
(Dismissal and Severance of Actions)

January 5, 2012, FDA rules TVM Companies must conduct Sect. 522 clinical trials on POP products. Must tender plans by April 22, 2012, to comply.

Pretrial Order #25 - January 6, 2012  
(Selection of Proposed Cases for Individual Discovery)

Pretrial Order #27 - February 14, 2012  
(Amended Plaintiff Fact Sheet)

Pretrial Order #28 - March 5, 2012  
(Revised Plaintiff Fact Sheet Submission Deadline)

Pretrial Order #29 - March 5, 2012  
(Waiver of Service for Defendants Sofradim Production and Tissue Science Laboratories)

Pretrial Order #30 - March 5, 2012  
(Substitution of Lead Counsel for Sofradim Production SAS)

Pretrial Order #31 - March 26, 2012  
(Master and Short Form Complaint and Master Responsive Pleadings; Direct Filing)

Pretrial Order #32 - April 9, 2012  
(Selection of Discovery Group 1)

Pretrial Order #33 - April 18, 2012  
(Changes to Counsel Structure)

Pretrial Order #35 - May 1, 2012  
(First Bellwether Trial Date and Discovery Group 2 Selection Process)

Pretrial Order #40 - June 7, 2012  
(Deposition Protocol)

Pretrial Order #41 - June 19, 2012  
(Discovery Scheduling Order for Group 1A Cases)



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Pretrial Order #42 - July 2, 2012

(Amending PTO # 27 (Amended Plaintiff Fact Sheet) to include Authorization Forms)

Pretrial Order #44 - July 12, 2012

(Tissue Science Laboratories Ltd.'s Motion to Quash Subpoena)

July 25, 2012 BARD Trial in Barstow, California: Scott v. Bard. 5.5M Plaintiff's verdict .

Pretrial Order #48 - August 3, 2012

(Defendants' Motion to Limit *Ex Parte* Interviews of Plaintiffs' Treating Physicians by Plaintiffs' Attorneys)

Pretrial Order #49 - August 23, 2012

(Discovery Scheduling Order for Group 2 Cases)

Pretrial Order #50 - August 28, 2012

(AMENDED Discovery Scheduling Order for Group 1A Cases)

Pretrial Order #51 - September 26, 2012

(New Direct Filing Order; Master Complaint, Short Form Complaint, Amended Short Form Complaint and Master Responsive Pleadings)

Pretrial Order #54 - October 4, 2012

(Agreed Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues)

Pretrial Order #55 - October 11, 2012

(Selection of Cases for Discovery Group 2)

Pretrial Order #58 - November 13, 2012

(SECOND AMENDED Discovery Scheduling Order for Group 1A Cases)

Pretrial Order #59 - December 10, 2012

(THIRD AMENDED Discovery Scheduling Order for Group 1A Cases)

Pretrial Order #60 - December 11, 2012

(Vacating Discovery Scheduling Order for Group 2 Cases)

Pretrial Order #62 - December 17, 2012

(Revised Short Form Complaint and Amended Short Form Complaint re: Addition of Coloplast, et al.; Revised Motion to Transfer MDL)

Pretrial Order #66 - January 9, 2013

(Plaintiff Profile Forms, Plaintiff Fact Sheets, and Defendant Fact Sheets)



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Pretrial Order #67 - January 22, 2013

(Order Updating Leadership Counsel Contact Information for MDLs 2187, 2325, 2326, 2327 and 2387)

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Pretrial Order #70 - February 21, 2013

(Show Cause Order Regarding Dismissal of Endo Entities)

Pretrial Order #71 - March 7, 2013

(Trial Order for Bellwethers and Ruling on Plaintiffs' Motion for Consolidation of Trial)

Pretrial Order #72 - March 12, 2013

(FOURTH AMENDED Discovery Scheduling Order for Group 1A Cases)

Pretrial Order #73 - April 3, 2013

(AGREED ORDER RE: DISMISSAL OF ENDO ENTITIES IN ALL CASES)

Order - April 5, 2013

(Discovery Referral)

Pretrial Order #75 - April 19, 2013

(Show Cause Order Regarding Dismissal of Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A.)

Pretrial Order #76 - May 3, 2013

(Stipulated Protective Order)

Pretrial Order #77 - May 8, 2013

(Plaintiffs' Motion for Leave to Take Supplemental Depositions)

Pretrial Order #78 - May 9, 2013

(Plaintiffs' Request to Modify Stipulated Protective Orders to Allow Access and Exchange of Confidential Information Among MDLs)

Pretrial Order #79 - May 28, 2013

(AGREED ORDER RE: DISMISSAL OF COLOPLAST A/S, COLOPLAST MANUFACTURING US, LLC, AND PORGES S.A. IN ALL CASES)

Pretrial Order #80 - May 29, 2013

(STIPULATED AGREED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)

Pretrial Order #81 - May 29, 2013

(Revised Short Form Complaint and Amended Short Form Complaint re: Removal of Coloplast and Endo Entities)



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Aug 15, 2013: Bellweather trial in MDL. Cisson v. Bard. Avaulta pop device. Verdict for Plaintiff, 250K actual; 2m punitive.

August 21, 2013: Bard second bellweather in MDL: Queen v. Bard. Settled on eve of trial for confidential sum.

Pretrial Order #84 - August 26, 2013

(AGREED ORDER ESTABLISHING MDL 2187 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT)

Pretrial Order #85 - August 29, 2013

(Amended Order Regarding Delayed Filing and Application to the Statute of Limitations)

Sept 14, 2013: Bard v. Virgil, Atlantic County NJ---settlement on eve of trial.

Pretrial Order #87 - September 20, 2013

(Order Granting Omnibus Motion by Plaintiffs to Amend the Membership of the Plaintiffs' Steering Committee)

Pretrial Order #90 - November 14, 2013

(REVISED Short Form Complaint and Amended Short Form Complaint re: Addition of Cook Defendants; REVISED Motion to Transfer MDL)

Pretrial Order #93 - December 6, 2013

(Order Amending PTO # 3 - Counsel Structure)

Pretrial Order #94 - December 13, 2013

(Motion to Establish Order of Discovery and Request for In-Person Hearing)

Pretrial Order #96 - December 30, 2013

(Final Order Regarding Severance of Actions)

Pretrial Order #97 - December 31, 2013

(Census Spreadsheet Order)

Pretrial Order #99 - January 3, 2014

(THIRD AMENDED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)

Pretrial Order #100 - January 6, 2014

(Plaintiffs' Emergency Motion for Protective Order and/or Motion to Quash Subpoena)

Pretrial Order #101 - January 9, 2014

(Stipulated Protective Order Regarding Nonparty Documents)



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Pretrial Order #102 - January 16, 2014  
(Order re: Work up of 200 Individual Cases)

Pretrial Order #103 - January 17, 2014  
(AGREED ORDER RE: DISMISSAL OF ADDITIONAL COOK ENTITIES IN ALL CASES)

Pretrial Order #105 - January 28, 2014  
(ORDER GRANTING SECOND OMNIBUS MOTION BY PLAINTIFFS TO AMEND THE MEMBERSHIP OF THE PLAINTIFFS' STEERING COMMITTEE)

Pretrial Order #107 - January 30, 2014  
(Emergency Motion for Protective Order)

Pretrial Order #108 - February 18, 2014  
(SHOW CAUSE ORDER RE: MOTION TO APPOINT LIEN RESOLUTION ADMINISTRATOR)

Pretrial Order #109 - February 24, 2014  
(Order Cancelling March 13, 2014, Status Conference)

Pretrial Order #112 - February 27, 2014  
(Order Appointing Lien Resolution Administrator)

Pretrial Order #113 - March 4, 2014  
(Daniel J. Christensen and MedStar Funding, LC's Motion to Quash or Modify Subpoenas Issued by C. R. Bard, Inc.)

Pretrial Order #118 - March 25, 2014  
(Docket Control Order for Selection and Discovery of 200 Cases)

Pretrial Order #121 - April 22, 2014  
(Stipulated Evidence Preservation Protocol for Potential Trial Selection Cases)

Pretrial Order #122 - April 22, 2014  
(Defendant C. R. Bard's Motion to Quash or Modify Shakespeare Subpoena or, in the Alternative, for Entry of a Protective Order)

Pretrial Order #123 - May 29, 2014  
(Revised Short Form Complaint and Amended Short Form Complaint re: Addition of Neomedic Entities and Removal of Ethicon, LLC)

Pretrial Order #124 - June 10, 2014  
(Defendant's Emergency Motion for Protective Order Precluding or Limiting and Rescheduling Plaintiffs' Deposition of John Weiland and Defendant's Emergency Motion for Protective Order Limiting Plaintiffs' First Requests for Production of Documents to John Weiland in Conjunction with Deposition)

Pretrial Order #127 - June 30, 2014  
(Motions Related to the Deposition of John Weiland)



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Pretrial Order #131 - July 31, 2014

(Docket Control Order for Discovery of Certain Avaulta, Bard Only Cases – Wave 3)

Pretrial Order #133 - August 8, 2014

(Order Designating Wave 3 Cases)

Pretrial Order #134 - August 13, 2014

(Plaintiffs' Emergency Motion for Expedited Response to Motion to Compel)

Pretrial Order #135 - August 14, 2014

(Order Amending Pretrial Order # 84)

Pretrial Order #136 - August 18, 2014

(Stipulated Evidence Preservation Protocol - this pretrial order replaces and supersedes Pretrial Order #121)

Pretrial Order #140 - September 16, 2014

(Motion to Amend Pretrial Order; Motion to Compel Discovery; Motion for Protective Order)

Pretrial Order #141 - October 8, 2014

(Amendment of Pretrial Order # 66 as to Sofradim and TSL)

Pretrial Order #142 - October 29, 2014

(First Amended Docket Control Order for Discovery of Certain Avaulta, Bard Only Cases – Wave 3)

Pretrial Order #143 - October 31, 2014

(Motion to Compel Production of Personnel Files)

Pretrial Order #146 - November 12, 2014

(Defendant C.R. Bard, Inc.'s Motion for Protective Order Precluding Plaintiffs' Eleventh Request for Production of Documents and Interrogatories to C.R. Bard)

)Pretrial Order #149 - December 2, 2014

(Order Scheduling Status Conference in All MDLs on January 29, 2015)

Pretrial Order #151 - December 9, 2014

(Final Order Regarding Severance of Actions)

Pretrial Order #152 - December 10, 2014

(Order on Plaintiffs' Emergency Motion to Modify Pretrial Order # 131 and Pretrial Order # 142 and for Expedited Hearing)

Pretrial Order #153 - December 10, 2014

(Second Amended Docket Control Order for Discovery of Certain Avaulta, Bard Only Cases – Wave 3)



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Pretrial Order #154 - December 16, 2014

(Third Amended Docket Control Order for Discovery of Certain Avaulta, Bard Only Cases - Wave 3)

Pretrial Order #155 - December 17, 2014

(Order Designating Miniwave 1 Cases)

Pretrial Order #156 - December 18, 2014

(Order Scheduling Meetings in MDLs on January 29-30, 2015)

Pretrial Order #157 - January 9, 2015

(Order re: Motion to Continue Wise and Suspend other MDL Trials)

Pretrial Order #158 - January 9, 2015

(First Amended Docket Control Order for Selection and Discovery of 200 Cases)

Pretrial Order #161 - January 22, 2015

(Order re: Responses and Replies to Daubert Motions filed in Wave 1 and 2 Cases)

Pretrial Order #162 - January 26, 2015

(Order Rescheduling Meetings in MDLs from January 29-30, 2015 to February 5-6, 2015)

Pretrial Order #163 - January 30, 2015

(Second Amended Docket Control Order for Selection and Discovery of 200 Cases; Order Amending PTO # 161)

Pretrial Order #165 - February 12, 2015

(Third Amended Docket Control Order for Selection and Discovery of 200 Cases)

Pretrial Order #166 - February 12, 2015

(ORDER APPOINTING ELLEN REISMAN AS SPECIAL MASTER)

Bard embarks on extended resolution process. Bard hires sequentially multiple law firms and multiple general counsel. Resists and rejects universal settlement. Settles with firms on an inventory basis.

Court engages Reisman as special master to foster resolution process

Pretrial Order #167 - February 19, 2015

(Fourth Amended Docket Control Order for Selection and Discovery of 200 Cases)

Pretrial Order #168 - February 26, 2015

(QUALIFIED PROTECTIVE ORDER)



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Pretrial Order #169 - March 12, 2015

(Fourth Amended Docket Control Order for Discovery of Certain Avaulta, Bard Only Cases – Wave 3)

Pretrial Order #170 - March 24, 2015

(Motion of Defendants' Tissue Science Laboratories and Sofradim Production for Leave to File Amended Master Long Form Answers and Affirmative Defenses to Plaintiffs' Master Long Form Complaint and Cross-Claims Against C. R. Bard, Inc., and Jury Demand)

Pretrial Order #172 - April 7, 2015

(Defendant C.R. Bard, Inc.'s Motion to Compel Documents and Testimony From Plaintiffs' Expert Bernd Klosterhalfen)

Pretrial Order #175 - May 4, 2015

(

Pretrial Order #179 - June 5, 2015

(Fifth Amended Docket Control Order for Discovery of Certain Avaulta, Bard Only Cases – Wave 3)

Pretrial Order #180 - June 23, 2015

(Order Re: Qualified Settlement Fund-Covidien LP & Blasingame, Burch, Garrard & Ashley P.C.)

Pretrial Order #181 - June 23, 2015

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN COVIDIEN AND CERTAIN PLAINTIFFS' COUNSEL)

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Pretrial Order #185 - September 9, 2015

(Order Re: Qualified Settlement Fund-Bard LP & Blasingame, Burch, Garrard & Ashley P.C.)

Pretrial Order #186 - September 9, 2015

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN BARD AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #187 - September 10, 2015

(Order Re: Qualified Settlement Fund-Bard LP & Beasley Allen Crowe Methvin Portis & Miles, P.C.)

Pretrial Order #188 - September 10, 2015

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN BARD AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #189 - September 10, 2015

(Order Re: Qualified Settlement Fund-Bard LP & Davis & Crump, P.C.)

Pretrial Order #190 - September 10, 2015

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN BARD AND CERTAIN PLAINTIFFS' COUNSEL)



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Pretrial Order #191 - September 10, 2015

(Order Re: Qualified Settlement Fund-Bard LP & Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.)

Pretrial Order #192 - September 10, 2015

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN BARD AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #193 - September 10, 2015

(Order Re: Qualified Settlement Fund-Bard LP & Robinson Calcagnie Robinson Shapiro Davis, Inc.)

Pretrial Order #194 - September 10, 2015

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN BARD AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #195 - September 10, 2015

(Order Re: Qualified Settlement Fund-Bard LP & Seeger Weiss LLP)

Pretrial Order #196 - September 10, 2015

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN BARD AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #197 - October 16, 2015

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN BARD AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #198 - October 26, 2015

(Order Re: Qualified Settlement Fund-Motley Rice LLC and Participating Firms)

Pretrial Order #199 - October 29, 2015

(ORDER ESTABLISHING REPORTING ON PAYMENT TO THE MDL 2187 FUND)

Pretrial Order #200 - November 24, 2015

(Order Re: Qualified Settlement Fund Covidien LP & Skikos Crawford Skikos & Joseph, LLP)

Pretrial Order #201 - November 24, 2015

(Order Re: Qualified Settlement Fund – Janet, Jenner & Suggs, LLC and Participating Law Firms)

Pretrial Order #202 - November 24, 2015

(Order Re: Motion to Appoint Special Master Professor Lynn A. Baker)

Pretrial Order #203 - December 8, 2015

(Order Re: Qualified Settlement Fund – Covidien LP & The Levensten Law Firm, P.C.)

Pretrial Order #204 - December 11, 2015

(Revised Authorizations attached to Plaintiff Profile Form and Plaintiff Fact Sheet)



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Pretrial Order #205 - December 11, 2015

(Order Re: Qualified Settlement Fund – Covidien LP & The Nations Law Firm)

Pretrial Order #206 - December 22, 2015

(ORDER RE: RCRSD AND COVIDIEN QUALIFIED SETTLEMENT FUND)

Pretrial Order #207 - January 15, 2016

(ORDER ESTABLISHING CRITERIA FOR APPLICATIONS TO MDL 2187 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT AND APPOINTMENT OF COMMON BENEFIT FEE AND COST COMMITTEE)

Pretrial Order #208 - February 4, 2016

(Order Scheduling Status Conference and Meetings in MDLs on April 6-7, 2016)

Pretrial Order #209 - February 9, 2016

(Substitution of Lead Counsel for Sofradim Production SAS and Tissue Science Laboratories Limited)

Pretrial Order #210 - March 7, 2016

(ORDER APPROVING THE ESTABLISHMENT OF THE TRACEY & FOX-COVIDIEN QUALIFIED SETTLEMENT FUND)

Pretrial Order #211 - April 4, 2016

(ORDER REGARDING INTERIM REIMBURSEMENT OF COSTS)

Pretrial Order #212 - April 7, 2016

(Order CANCELLING Status Conference on April 7, 2016)

Pretrial Order #213 - April 13, 2016

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN COVIDIEN AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #214 - May 3, 2016

(ORDER RE: QUALIFIED SETTLEMENT FUND BARD ANDRUS WAGSTAFF)

Pretrial Order #215 - May 5, 2016

(Order Granting Motion re: Interim Reimbursement of Costs)

Pretrial Order #216 - May 13, 2016

(Order Re: Qualified Settlement Fund - Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor P.A.)

Pretrial Order #217 - May 17, 2016

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN COVIDIEN AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #218 - July 20, 2016

(Order Scheduling Status Conference and Meetings in MDLs on September 13-14, 2016)



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## b. AMS

EARLY FILED CASES: AMBROFF v. AMS, 03:08: 2349; NDCAL, filed Sept 11, 2008. Plaintiffs' Attorneys of Record, Amy Eskin,;

Small group of Plaintiff's firms filed early AMS cases. Filed cases in various jurisdictions Discovery proceeding. Amy Eskin pursues; F Fitzpatrick assisting. Discovery closed in AMBROFF in 2010, but late discovered documents and claw back proceeding s commence and continue through 2011

Dec 5, 2011. AMS Settles AMBROFF, Boatman-Morse and OTHER TRIAL READY CASES

Minnesota State Consolidation commences. Cases proceed under consolidated discovery .

### Orders

Pretrial Order #1 - February 29, 2012  
(Initial Conference and Case Management)

Pretrial Order #2 - March 29, 2012  
(PSC Application Process)

Pretrial Order #3 - April 9, 2012  
(Initial Hearing - Participation by Telephone)

Pretrial Order #4 - April 17, 2012  
(Initial Hearing Summary - Counsel Structure, Procedural and Discovery Issues and Future Status Conferences)

MDL forms: Amy Eskin and Fidelma Fitzpatrick co-leads.

Pretrial Order #5 - April 24, 2012  
(Status Conference)

Pretrial Order #6 - May 4, 2012  
(Revised PSC List)

Pretrial Order #7 - May 16, 2012  
(Change of Court Contact Information)



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Pretrial Order #8 - May 31, 2012

(Uniform Certificate of Service)

Pretrial Order #9 - June 1, 2012

(Scheduling Future Status Conferences)

Pretrial Order #10 - June 14, 2012

(Order Lifting Stay on Discovery)

Pretrial Order #11 - July 5, 2012

(Plaintiffs' Request for Oral Argument and Defendant's Motion for Leave to file Sur-Reply)

Pretrial Order #12 - July 5, 2012

(Plaintiffs' Motion to Produce Documents and Depositions from Prior Related Litigation or to Modify Stipulated Protective Orders, ECF No. 181)

Discovery proceeds. Numerous corporate depositions in Minnesota and elsewhere Very contentious. Barbara Bennis of Reed Smith is AMS attorney.

Pretrial Order #13 - June 30, 2012

(Stipulated Protective Order)

Pretrial Order #14 - August 22, 2012

(Master and Short Form Complaint and Master Responsive Pleadings; Direct Filing)

Pretrial Order #15 - August 30, 2012

(Stipulation for the Production of Documents and Electronically Stored Information)

Pretrial Order #16 - August 31, 2012

(Amended Master Complaint and Master Responsive Pleadings; Direct Filing)

Pretrial Order #17 - September 26, 2012

(New Direct Filing Order; Amended Master Complaint, Short Form Complaint, Amended Short Form Complaint and Master Responsive Pleadings)

Pretrial Order #19 - October 4, 2012

(Plaintiff Profile Forms, Plaintiff Fact Sheet, and Defendant Fact Sheets)

Pretrial Order #20 - October 4, 2012

(Agreed Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues)

Pretrial Order #24 - October 30, 2012

(Plaintiffs' Motion to Compel Production of Documents Outside the United States, ECF No. 279)

Pretrial Order #25 - November 2, 2012

(Order for Submission of Bellwether Trial Plan)



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Pretrial Order #26 - November 13, 2012

(Briefing Schedule and Hearing Date on Plaintiffs' Motion to Compel re Corporate Structure)

Pretrial Order #27 - November 21, 2012

(Payment of Reasonable Expenses re Granting of Motion to Compel)

Pretrial Order #28 - November 27, 2012

(Plaintiffs Motion to Compel re Corporate Structure Denied as Moot)

Pretrial Order #31 - December 17, 2012

(Revised Short Form Complaint and Amended Short Form Complaint re: Addition of Coloplast, et al.; Revised Motion to Transfer MDL)

Pretrial Order #35 - January 8, 2013

(Revised Short Form Complaint and Amended Short Form Complaint re: Removal of Analytic Biosurgical Solutions ("ABISS"))

Pretrial Order #38 - January 22, 2013

(Order Updating Leadership Counsel Contact Information for MDLs 2187, 2325, 2326, 2327 and 2387)

Pretrial Order #41 - February 20, 2013

(Deposition Protocol)

Pretrial Order #42 - February 21, 2013

(Show Cause Order Regarding Dismissal of Endo Entities)

Pretrial Order #43 - February 28, 2013

(Plaintiff Fact Sheet)

Pretrial Order #44 - February 28, 2013

(Notice of Hearing on AMSs Motion to Strike Plaintiffs' Discovery Pool Choices)

Pretrial Order #45 - March 1, 2013

(Notice of Hearing on Pending Discovery Motions)

Pretrial Order #47 - March 6, 2013

(Interim Order re Plaintiffs' Motions to Compel Nos. 452 and 457)

In this time frame, there was concern about AMS Discovery process. With reflection, AMS was the most collegial and organized discovery undertaking in the first years of the MDL process. Division of labor; deposition responsibility; motion practice; and refusal to accept inadequate tenders of documents were viewed as putting AMS behind, but when compared to the others, AMS was better organized. In particular, the experts developed commencing in AMS have been used throughout the litigation by sequential groups.



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Pretrial Order #48 - March 7, 2013

(Order re: Plaintiffs' Motion to Compel Production of Adequate Privilege Logs)

Pretrial Order #49 - March 11, 2013

(Defendant's Fact Sheet)

Pretrial Order #50 - March 14, 2013

(AMS's Objection to and Motion to Stay and Vacate PTO #47)

Pretrial Order #51 - March 14, 2013

(AGREED ORDER RE: PLAINTIFFS' MOTION TO COMPEL AMS TO PRODUCE DOCUMENTS [ECF 466])

Pretrial Order #52 - March 25, 2013

(Order re: AMS's Motion to Strike Plaintiffs' Discovery Pool Choices ECF 482)

Pretrial Order #53 - March 25, 2013

(Cook Defendants' Motion Regarding the Use of Depositions)

Pretrial Order #54 - March 29, 2013

(Plaintiffs' Motions to Compel Discovery and Compliance with PTO #24)

Pretrial Order #55 - April 1, 2013

(AMENDED Waiver of Service Provisions for American Medical Systems, Inc.)

Pretrial Order #56 - April 3, 2013

(AGREED ORDER RE: DISMISSAL OF ENDO ENTITIES IN ALL CASES)

Pretrial Order #57 - April 3, 2013

(Order re: Endo Defendants' Motion to Dismiss [ECF 253])

Order - April 5, 2013

(Discovery Referral)

Pretrial Order #59 - April 19, 2013

(Plaintiffs' Motion for Production of AMS's Internal Litigation Database)

Pretrial Order #60 - April 19, 2013

(Show Cause Order Regarding Dismissal of Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A.)

Pretrial Order #62 - May 9, 2013

(Plaintiffs' Request to Modify Stipulated Pretrial Orders to Allow Access and Exchange of Confidential Information Among MDLs)

Pretrial Order #65 - May 28, 2013

(AGREED ORDER RE: DISMISSAL OF COLOPLAST A/S, COLOPLAST MANUFACTURING US, LLC, AND PORGES S.A. IN ALL CASES)



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Pretrial Order #66 - May 29, 2013

(STIPULATED AGREED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)

Pretrial Order #67 - May 29, 2013

(Revised Short Form Complaint and Amended Short Form Complaint re: Removal of Coloplast and Endo Entities)

Pretrial Order #69 - June 10, 2013

(First Amended Docket Control Order (PTO # 37))

AMS settles with Dave Matthews; Freese and Goss: 55.4 million

Pretrial Order #70 - June 20, 2013

(Plaintiffs' Motion to Compel Defendants to Produce Documents and Deposition Dates for Clinical, Regulatory and Research and Development Witnesses and for Compliance with PTO #54)

Pretrial Order #71 - July 1, 2013

(Bellwether Case Selections)

July 2013, Judge Goodwin had selected four bellwether cases for trial: *Fontes v. American Medical Systems, Inc.*, 2:12-cv-02472; *Serrano v. American Medical Systems, Inc.*, 2:12-cv-03719; *Jilovec v. American Medical Systems, Inc.*, 2:12-cv-05561; and *Weiler v. American Medical Systems, Inc.*, 2:12-cv-05836.

Pretrial Order #76 - July 29, 2013

(Joint Motion for Entry of Agreed Order and Stipulation Regarding Third-Party Subpoenas)

Pretrial Order #77 - August 26, 2013

(AGREED ORDER ESTABLISHING MDL 2325 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT)

Pretrial Order #78 - August 27, 2013

(Agreed Order and Stipulation)

AMS retains Ellen Reisman. Reisman reaches out for resolution.

Extended efforts to seek universal settlement of all claims, but finance and reality of multiple plaintiffs attorneys with varying interests and competitive factors make universal settlement impossible

AMS through Reisman seeks individual inventory settlements with plaintiffs.



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Court approves of the resolution strategy and lifts trial pressure from AMS while it pursues resolution

Pretrial Order #82 - September 20, 2013

(Order Granting Omnibus Motion by Plaintiffs to Amend the Membership of the Plaintiffs' Steering Committee)

Pretrial Order #90 - October 25, 2013

(Stipulated Protective Order Regarding Nonparty Documents)

Pretrial Order #93 - November 13, 2013

(DOCKET CONTROL ORDER RE: THIRD ROUND OF BELLWETHERS)

Pretrial Order #94 - November 14, 2013

(REVISED Short Form Complaint and Amended Short Form Complaint re: Addition of Cook Defendants; REVISED Motion to Transfer MDL)

Pretrial Order #99 - December 6, 2013

(Order Amending PTO # 4 - Counsel Structure)

Pretrial Order #100 - December 12, 2013

(Order Re: Trial Order of Bellwethers)

Pretrial Order #101 - December 13, 2013

(Motion to Establish Order of Discovery and Request for In-Person Hearing)

(Order Regarding Severance of Actions)

Pretrial Order #105 - January 3, 2014

(THIRD AMENDED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)

Pretrial Order #110 - January 24, 2014

(SELECTION OF CASES FOR THIRD ROUND OF BELLWETHERS)

Pretrial Order #111 - January 28, 2014

(ORDER GRANTING SECOND OMNIBUS MOTION BY PLAINTIFFS TO AMEND THE MEMBERSHIP OF THE PLAINTIFFS' STEERING COMMITTEE)

Pretrial Order #115 - January 31, 2014

(First Amended Docket Control Order re: Third Round of Bellwethers)



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Pretrial Order #116 - February 4, 2014

(Plaintiffs' Emergency Motion to Compel Rule 30(b)(6) Witness and Defendant's Motion for Protective Order)

Pretrial Order #117 - February 18, 2014

(SHOW CAUSE ORDER RE: MOTION TO APPOINT LIEN RESOLUTION ADMINISTRATOR)

Pretrial Order #118 - February 19, 2014

(Agreed Order and Stipulation Regarding Protocol for Collection, Preservation, and Division of Pathology Material)

Pretrial Order #122 - February 26, 2014

(Motion by All Plaintiffs to Adopt Pathology Protocol)

Pretrial Order #123 - February 27, 2014

(Order Appointing Lien Resolution Administrator)

Pretrial Order #139 - March 11, 2014

(Third Amended Docket Control Order - First and Second Round of Bellwethers)

AMS bellweather trials set for April, 2014.; later reset for June and July, 2014....SETTLED prior to trial.

These cases were worked up intensively in preparation for trial.

Pretrial Order #171 - April 23, 2014

(Order Amending Pretrial Order #118 Agreed Order and Stipulation Regarding Protocol for Collection, Preservation, and Division of Pathology Material)

Pretrial Order #172 - May 16, 2014

(THIRD AMENDED DOCKET CONTROL ORDER RE: PATTISON (THIRD ROUND BELLWETHER CASE))

Pretrial Order #175 - May 28, 2014

(ORDER APPOINTING JUDGE MARINA CORODEMUS (Ret.) AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN AMS AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #183 - June 19, 2014

(Order Re: Qualified Settlement Fund - AMS, Inc. & Blasingame, Burch, Garrard & Ashley P.C.)

Pretrial Order #184 - June 19, 2014

(Order Re: Qualified Settlement Fund - AMS, Inc. & Motley Rice LLC)

Pretrial Order #185 - July 8, 2014

(Order Cancelling July 24, 2014 Status Conference and September 4, 2014 Status Conference)



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Pretrial Order #186 - August 13, 2014  
(Initial Order Regarding Severance of Actions)

Pretrial Order #187 - September 15, 2014  
(Final Order Regarding Severance of Actions)

Pretrial Order #188 - September 24, 2014  
(SPECIAL MASTER FEE ORDER)

Pretrial Order #189 - October 14, 2014  
(Order re: Qualified Settlement Fund – AMS, Inc. & Audet & Partners LLP)

Pretrial Order #192 - January 26, 2015  
(Order Rescheduling Meetings in MDLs from January 29-30, 2015 to February 5-6, 2015)

Pretrial Order #193 - February 26, 2015  
(QUALIFIED PROTECTIVE ORDER)

Pretrial Order #201 - December 10, 2015  
(Order re: Qualified Settlement Fund – Astora Women's Health, Inc. (fka American Medical Systems Holdings, Inc.), et al. and Skikos & Joseph, LLP)

Pretrial Order #202 - December 11, 2015  
(Revised Authorizations attached to Plaintiff Profile Form and Plaintiff Fact Sheet)

Pretrial Order #203 - December 22, 2015  
(Order re: Qualified Settlement Fund – Astora Women's Health, Inc. (fka American Medical Systems Holdings, Inc.), et al. and Levin Papantonio)

Pretrial Order #204 - January 15, 2016  
(ORDER ESTABLISHING CRITERIA FOR APPLICATIONS TO MDL 2325 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT AND APPOINTMENT OF COMMON BENEFIT FEE AND COST COMMITTEE)

Pretrial Order #206 - March 24, 2016  
ORDER REGARDING MOTION FOR APPROVAL OF QUALIFIED SETTLEMENT FUND

Pretrial Order #207 - March 24, 2016  
ORDER REGARDING MOTION FOR APPROVAL OF QUALIFIED SETTLEMENT FUND

Pretrial Order #208 - April 4, 2016  
(ORDER REGARDING INTERIM REIMBURSEMENT OF COSTS)

Pretrial Order #209 - April 7, 2016  
(Order CANCELLING Status Conference on April 7, 2016)



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Pretrial Order #210 - April 29, 2016

(ORDER REGARDING MOTION FOR APPROVAL OF QUALIFIED SETTLEMENT FUND BFR and Goza & Honnold)

Pretrial Order #211 - May 5, 2016

(Order Granting Motion re: Interim Reimbursement of Costs)

Pretrial Order #212 - May 9, 2016

(Order Re: Qualified Settlement Fund - Motley Rice LLC and Participating Firms)

Pretrial Order #213 - May 11, 2016

(Non-Party Robert J. Fenstersheib & Associates' Motion to Quash Subpoena)

Pretrial Order #217 - June 23, 2016

(Motion to Quash and for Protective Order by Non-Parties AkinMears, G.P. and Amir Shenaq)

Pretrial Order #220 - August 12, 2016

(Order Re: Qualified Settlement Fund- Calcagnie Robinson Shapiro Davis, Inc.)

AMS settles most cases but not all and funding for settlements is in stages that are not yet satisfied. AMS switches general counsel and becomes much less cooperative because many additional cases have appeared to be dealt with, and company finances are thin.

Court becomes impatient, due to agitation by unsettled plaintiffs and slowing progress and threatens to reactivate litigation track.

### c. Boston Scientific

State Court Consolidated Docket in Massachusetts—Middlesex County. Judge Kampmyer (now retired)

State Court filings in Wilmington Delaware before Judge Johnson.

### Orders

Pretrial Order #1 - February 29, 2012

(Initial Conference and Case Management)

Pretrial Order #2 - March 29, 2012

(PSC Application Process)



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Pretrial Order #3 - April 9, 2012  
(Initial Hearing - Participation by Telephone)

Pretrial Order #4 - April 17, 2012  
(Initial Hearing Summary - Counsel Structure, Procedural and Discovery Issues and Future Status Conferences)

MDL forms: Clayton Clark and Aimee Wagstaff are co-leads

Pretrial Order #6 - May 4, 2012  
(Revised PSC List)

Pretrial Order #10 - June 14, 2012  
(Order Lifting Stay on Discovery)

Pretrial Order #11 - July 30, 2012  
(Stipulated Protective Order)

Pretrial Order #12 - August 22, 2012  
(Master and Short Form Complaint and Master Responsive Pleadings; Direct Filing)

Pretrial Order #13 - August 30, 2012  
(Stipulation for the Production of Documents and Electronically Stored Information)

Pretrial Order #14 - September 26, 2012  
(New Direct Filing Order; Master Complaint, Short Form Complaint, Amended Short Form Complaint and Master Responsive Pleadings)

Pretrial Order #16 - October 4, 2012  
(Plaintiff Profile Forms, Plaintiff Fact Sheet, and Defendant Fact Sheets)

Pretrial Order #17 - October 4, 2012  
(Agreed Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues)

Pretrial Order #19 - October 11, 2012  
(Briefing Schedule and Hearing Date on Plaintiffs Motion to Compel Protegen Documents)

Pretrial Order #22 - November 2, 2012  
(Order for Submission of Bellwether Trial Plan)

Pretrial Order #23 - November 15, 2012  
(Plaintiffs' Motion to Compel Protegen Documents)

Pretrial Order #25 - December 17, 2012  
(Revised Short Form Complaint and Amended Short Form Complaint re: Addition of Coloplast, et al.; Revised Motion to Transfer MDL)



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Pretrial Order #29 - January 8, 2013

(Revised Short Form Complaint and Amended Short Form Complaint re: Removal of Analytic Biosurgical Solutions ("ABISS"))

Pretrial Order #31 - January 16, 2013

(Order Severing Actions Pursuant to PTO #26)

Pretrial Order #33 - January 22, 2013

(Order Updating Leadership Counsel Contact Information for MDLs 2187, 2325, 2326, 2327 and 2387)

Pretrial Order #36 - February 20, 2013

(Deposition Protocol)

Pretrial Order #37 - February 21, 2013

(Show Cause Order Regarding Dismissal of Endo Entities)

Pretrial Order #39 - March 6, 2013

(Plaintiff Fact Sheet)

Pretrial Order #40 - March 14, 2013

(Defendant Fact Sheet)

Pretrial Order #41 - March 25, 2013

(Memorandum Opinion and Order re: Plaintiffs' Motion for Leave to Amend to Add Defendants, Docket 193)

Pretrial Order #42 - April 3, 2013

(AGREED ORDER RE: DISMISSAL OF ENDO ENTITIES IN ALL CASES)

Order - April 5, 2013

(Discovery Referral)

Pretrial Order #44 - April 19, 2013

(Show Cause Order Regarding Dismissal of Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A.)

Pretrial Order #45 - May 9, 2013

(Plaintiffs' Request to Modify Stipulated Pretrial Orders to Allow Access and Exchange of Confidential Information Among MDLs)

Pretrial Order #46 - May 28, 2013

(AGREED ORDER RE: DISMISSAL OF COLOPLAST A/S, COLOPLAST MANUFACTURING US, LLC, AND PORGES S.A. IN ALL CASES)

Pretrial Order #47 - May 29, 2013

(STIPULATED AGREED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)



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Pretrial Order #51 - August 7, 2013  
(Order re: Bellwether Case Selection)

Pretrial Order #52 - August 26, 2013  
(AGREED ORDER ESTABLISHING MDL 2326 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT)

Pretrial Order #53 - August 26, 2013  
(AMENDED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)

Pretrial Order #54 - August 29, 2013  
(Bellwether Case Selections, Rounds 1 and 2)

Pretrial Order #55 - September 20, 2013  
(Order Granting Omnibus Motion by Plaintiffs to Amend the Membership of the Plaintiffs' Steering Committee)

Pretrial Order #56 - October 2, 2013  
(Order Amending PTO #53 to Require Copies of Complaints Filed Under Delayed Filing Agreements)

Pretrial Order #57 - October 9, 2013  
(First Amended Docket Control Order/First and Second Round of Bellwether Trials)

Pretrial Order #59 - November 14, 2013  
(REVISED Short Form Complaint and Amended Short Form Complaint re: Addition of Cook Defendants; REVISED Motion to Transfer MDL)

Pretrial Order #62 - December 6, 2013  
(Order Amending PTO # 4 - Counsel Structure)

Pretrial Order #65 - December 19, 2013  
(Docket Control Order on Wave 1 and Wave 2 Discovery)

Pretrial Order #66 - December 20, 2013  
(SHOW CAUSE ORDER REGARDING DISMISSAL OF ADDITIONAL COOK ENTITIES)

Pretrial Order #68 - January 3, 2014  
(THIRD AMENDED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)

Pretrial Order #71 - January 21, 2014  
(Second Amended Docket Control Order/First and Second Round of Bellwether Trials)

Pretrial Order #73 - January 28, 2014  
(ORDER GRANTING SECOND OMNIBUS MOTION BY PLAINTIFFS TO AMEND THE MEMBERSHIP OF THE PLAINTIFFS' STEERING COMMITTEE)



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Pretrial Order #76 - February 6, 2014

(ORDER VACATING PTO # 71 – SECOND AMENDED DOCKET CONTROL ORDER FIRST AND SECOND ROUND OF BELLWETHER TRIALS)

Pretrial Order #77 - February 18, 2014

(SHOW CAUSE ORDER RE: MOTION TO APPOINT LIEN RESOLUTION ADMINISTRATOR)

Pretrial Order #78 - February 19, 2014

(Order Consolidating Cases for Trial on All Issues)

Pretrial Order #81 - February 26, 2014

(Order Appointing Lien Resolution Administrator)

Pretrial Order #91 - April 11, 2014

(Order Consolidating Cases for Trial on All Issues)

Pretrial Order #95 - April 23, 2014

(Docket Control Order on Consolidated Florida Pinnacle Cases)

Pretrial Order #97 - May 8, 2014

(Final Order Regarding Severance of Actions)

Pretrial Order #99 - May 16, 2014

(Final Order Regarding Severance of Actions)

Pretrial Order #100 - May 27, 2014

(Docket Control Order on Wave 1 and Wave 2 Discovery)

Pretrial Order #101 - May 29, 2014

(Revised Short Form Complaint and Amended Short Form Complaint re: Addition of Neomedic Entities and Removal of Ethicon, LLC)

(Pretrial Order #104 - July 18, 2014

(First Amended Docket Control Order on Consolidated Florida Pinnacle Cases)

Pretrial Order #105 - July 18, 2014

(First Amended Docket Control Order on Consolidated West Virginia Cases)

Pretrial Order #106 - July 23, 2014

(Second Amended Docket Control Order on Consolidated West Virginia Cases)

A full docket of state court filings have been organized in Middlesex County, the home venue for Boston Scientific Principal place of business.



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July 29, 2014: Allbright v. Boston Scientific. DEFENSE VERDICT. Middlesex County MA, Motley Rice Judge Kampmeyer.

Pretrial Order #107 - July 30, 2014

(Order Removing Cases from Wave 1 and Wave 2 Process)

Pretrial Order #108 - July 31, 2014

(First Amended Docket Control Order on Wave 1 and Wave 2 Discovery)

Pretrial Order #109 - July 31, 2014

(FOURTH AMENDED DOCKET CONTROL ORDER FIRST AND SECOND ROUND OF FORMER BELLWETHER CASES)

Pretrial Order #110 - August 14, 2014

(Order Amending Pretrial Order # 52)

Pretrial Order #111 - August 18, 2014

(Order Denying Boston Scientific's Motion to Sever and Conduct Individual Trials)

August 29, 2014 Cardenas v. Boston Scientific. DEFENSE VERDICT. Middlesex County, Ma. Doug Mosour.

Sept 10, 2014: Salazar v. Boston Scientific, Dallas County, Texas verdict 73.5 million later reduced to 34.6million...Dave Matthews trial counsel.

Pretrial Order #112 - September 18, 2014

(Third Amended Docket Control Order on Consolidated West Virginia Cases)

Pretrial Order #113 - September 18, 2014

(Second Amended Docket Control Order on Consolidated Florida Pinnacle Cases)

Pretrial Order #114 - September 29, 2014

(Motion of Boston Scientific Corporation to Quash and For Entry of a Protective Order Related to Rule 30(b)(6) Depositions)

Pretrial Order #115 - October 14, 2014

(Defendant Boston Scientific Corporation's Motion to Sever and Conduct Individual Trials)

Nov 13, 2014: FLORIDA PINNACLE CONSOLIDATION; Eghnayem v. Boston Scientific: 4 person consolidated trial 26.7million verdict

November 20, 2014; TYREE, et al v. Boston Scientific; 4 plaintiffs 18.5 million verdict in Obtryx device.



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Pretrial Order #116 - November 21, 2014

(Second Amended Docket Control Order on Wave 1 and Wave 2 Discovery)

Pretrial Order #119 - January 23, 2015

(Order re: Pending Daubert Motions filed in MDL)

Pretrial Order #120 - January 26, 2015

(Order Rescheduling Meetings in MDLs from January 29-30, 2015 to February 5-6, 2015)

Pretrial Order #121 - January 29, 2015

(Third Amended Docket Control Order on Wave 1 and Wave 2 Discovery)

Pretrial Order #122 - February 26, 2015

(QUALIFIED PROTECTIVE ORDER)

Pretrial Order #123 - March 6, 2015

(Plaintiffs' Emergency Motion to Compel and Boston Scientific Corporation's Motion for Entry of Protective Order and to Quash)

Pretrial Order #124 - April 2, 2015

(Order Scheduling Status Conference and Meetings in MDLs on June 2, 2015)

Pretrial Order #125 - April 27, 2015

(Fourth Amended Docket Control Order on Wave 1 and Wave 2 Discovery)

May 11, 2015: Sanchez v. Boston Scientific. Settled before closing arguments...additional partial inventory settlement with Clayton Clark as part of Sanchez resolution.

Pretrial Order #126 - May 22, 2015

(Order Rescheduling Time of Status Conference on June 2, 2015)

May 28, 2015. BARBA v. Boston Scientific; Trial Superior Court, Wilmington DEL. Verdict 25M actual, 75m punitive

Pretrial Order #127 - October 16, 2015

(Order Scheduling Status Conference and Meetings in MDLs on November 18-19, 2015)

Pretrial Order #128 - October 29, 2015

(ORDER ESTABLISHING REPORTING ON PAYMENT TO THE MDL 2326 FUND)

Pretrial Order #129 - Decmeber 7, 2015

(Order Re: Qualified Settlement Fund - BSC & Blasingame, Burch, Garrard & Ashley P.C.)



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Pretrial Order #130 - Decmeber 7, 2015

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN BSC AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #131 - Decmeber 10, 2015

(Initial Order Regarding Severance of Actions)

Pretrial Order #132 - Decmeber 17, 2015

(Revised Authorizations attached to Plaintiff Profile Form and Plaintiff Fact Sheet)

Pretrial Order #133 - Decmeber 18, 2015

(ORDER TO ADMINISTER SETTLEMENTS RESOLVING CASES AND CLAIMS OF ANDRUS WAGSTAFF, P.C. PLAINTIFFS)

Pretrial Order #134 - January 4, 2016

(Final Order Regarding Severance of Actions)

Pretrial Order #135 - January 14, 2016

(Amended Order - Revised Authorizations attached to Plaintiff Profile Form and Plaintiff Fact Sheet)

Pretrial Order #136 - January 15, 2016

(ORDER ESTABLISHING CRITERIA FOR APPLICATIONS TO MDL 2326 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT AND APPOINTMENT OF COMMON BENEFIT FEE AND COST COMMITTEE)

Pretrial Order #138 - February 11, 2016

(Order Setting Briefing Schedule Regarding Challenges to Certain Document Designations)

Pretrial Order #139 - March 7, 2016

(Order Clarifying PTO # 138)

Pretrial Order #140 - March 8, 2016

(ORDER APPROVING THE ESTABLISHMENT OF THE CHARLES JOHNSON LAW FIRM QUALIFIED SETTLEMENT FUND)

Pretrial Order #141 - March 16, 2016

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENT BETWEEN BOSTON SCIENTIFIC CORP. AND THE LAW OFFICES OF CHARLES H. JOHNSON, P.A.)

Pretrial Order #142 - March 24, 2016

Fifth Amended Docket Control Order on Wave 1 and Wave 2 Discovery

Pretrial Order #143 - April 4, 2016

(ORDER REGARDING INTERIM REIMBURSEMENT OF COSTS)

Pretrial Order #145 - April 15, 2016

(Order re: BSC Wave 3 Cases)



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Pretrial Order #146 - May 5, 2016

(Order Granting Motion re: Interim Reimbursement of Costs)

Pretrial Order #147 - June 6, 2016

(Order Re: Qualified Settlement Fund Sub-Account Boston Scientific Corporation & The Levensten Law Firm, P.C.)

Pretrial Order #148 - June 29, 2016

(Order Re: Qualified Settlement Fund – Boston Scientific Corporation & Motley Rice LLC and Participating Firms)

Pretrial Order #149 - July 18, 2016

(Order re: Production of Case-Specific Information for BSC MDL Plaintiffs)

Pretrial Order #150 - July 20, 2016

(Order Scheduling Status Conference and Meetings in MDLs on September 13-14, 2016)

#### **d. Ethicon**

State Court New Jersey: Placitella and Slater appointed co-liaison.. Judge Higbee later appointed Jeff Grand to be the third co-liaison..

State Court trial by Slater: Gross v. Ethicon 11.15m plaintiff verdict on a prolife pop case.

State court case Mo. Settled in trial.

State court case in TX.

Wave 1

Wave 2

Wave 3



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Consolidated trial on defect/consolidated trial on all issues.



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## Orders

Pretrial Order #1 - February 29, 2012  
(Initial Conference and Case Management)

Pretrial Order #2 - March 29, 2012  
(PSC Application Process)

Pretrial Order #3 - April 9, 2012  
(Initial Hearing - Participation by Telephone)

Pretrial Order #4 - April 17, 2012  
(Initial Hearing Summary - Counsel Structure, Procedural and Discovery Issues and Future Status Conferences)

MDL Co-leads : Renee Baggett and Tom Cartmell.

Defendant successfully avoided meaningful discovery for an extended period of time by claiming to be evaluating cases for resolution. Only when it was shown that such overtures were designed to delay did the MDL commence to name successive waves of cases for discovery. As the other MDLs settled, and only Ethicon was left in full litigation mode, enormous efforts were expended at the tail end of the litigation to discover the successive waves and to complete expert reports and motion practice.

Pretrial Order #6 - May 4, 2012  
(Revised PSC List)

Pretrial Order #10 - June 14, 2012  
(Order Lifting Stay on Discovery)

Pretrial Order #11 - July 30, 2012  
(Stipulated Protective Order)

Pretrial Order #12 - August 22, 2012  
(Master and Short Form Complaint and Master Responsive Pleadings; Direct Filing)

Pretrial Order #13 - August 30, 2012  
(Stipulation for the Production of Documents and Electronically Stored Information)

Pretrial Order #14 - August 31, 2012  
(Amended Master Complaint and Master Responsive Pleadings; Direct Filing)

Pretrial Order #15 - September 26, 2012  
(New Direct Filing Order; Amended Master Complaint, Short Form Complaint, Amended Short Form Complaint and Master Responsive Pleadings)



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Pretrial Order #18 - October 4, 2012

(Agreed Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues)

Pretrial Order #22 - November 2, 2012

(Order for Submission of Bellwether Trial Plan)

Pretrial Order #26 - December 17, 2012

(Revised Short Form Complaint and Amended Short Form Complaint re: Addition of Coloplast, et al.; Revised Motion to Transfer MDL)

Pretrial Order #29 - January 8, 2013

(Revised Short Form Complaint and Amended Short Form Complaint re: Removal of Analytic Biosurgical Solutions ("ABISS"))

Pretrial Order #32 - January 18, 2013

(Plaintiffs' Motion to Compel AdvaMed's Response to Subpoena)

Pretrial Order #34 - January 22, 2013

(Order Updating Leadership Counsel Contact Information for MDLs 2187, 2325, 2326, 2327 and 2387)

Pretrial Order #36 - January 24, 2013

(Transfer to District of Columbia of Plaintiffs' Motion to Compel AdvaMed's Response to Subpoena)

Pretrial Order #38 - February 19, 2013

(Deposition Protocol)

Pretrial Order #39 - February 21, 2013

(Show Cause Order Regarding Dismissal of Endo Entities)

Feb 28, 2013: State Court New Jersey: Gross v. Ethicon. Prolift case: 11.1million verdict. Adam Slater trial counsel.:

Pretrial Order #42 - April 3, 2013

(AGREED ORDER RE: DISMISSAL OF ENDO ENTITIES IN ALL CASES)

Order - April 5, 2013

(Discovery Referral)

Pretrial Order #44 - April 19, 2013

(Show Cause Order Regarding Dismissal of Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A.)

Pretrial Order #45 - April 25, 2013

(Preservation Order)



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Pretrial Order #46 - May 9, 2013

(Plaintiffs' Request to Modify Stipulated Pretrial Orders to Allow Access and Exchange of Confidential Information Among MDLs)

Pretrial Order #47 - May 15, 2013

(Plaintiffs' Motion to Compel Discovery and for Expedited Hearing)

Order - May 20, 2013

(Re: Defendants' Motion for Reduction of Discovery Pool [ECF 559])

Pretrial Order #48 - May 28, 2013

(AGREED ORDER RE: DISMISSAL OF COLOPLAST A/S, COLOPLAST MANUFACTURING US, LLC, AND PORGES S.A. IN ALL CASES)

Pretrial Order #49 - May 29, 2013

(STIPULATED AGREED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)

Pretrial Order #50 - May 29, 2013

(Revised Short Form Complaint and Amended Short Form Complaint re: Removal of Coloplast and Endo Entities)

Pretrial Order #56 - July 22, 2013

(Plaintiff's Motion to Compel Responses to First Set of Interrogatories And First Set of Requests for Production of Documents)

Pretrial Order #57 - July 25, 2013

(Bellwether Case Selections)

Pretrial Order #58 - July 26, 2013

(Plaintiffs' Motion to Compel Responses to First Set of Interrogatories)

Pretrial Order #59 - August 5, 2013

(AMENDED Bellwether Case Selections)

Pretrial Order #61 - August 12, 2013

(Scheduling of Discovery Conferences)

Pretrial Order #62 - August 26, 2013

(AGREED ORDER ESTABLISHING MDL 2327 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT)

Pretrial Order #63 - August 27, 2013

(AGREED ORDER AND STIPULATION REGARDING CORPORATE STRUCTURE AND RELATED ISSUES)

Pretrial Order #64 - August 27, 2013

(ORDER REGARDING SELECTION OF PROLIFT TRIAL PLAINTIFFS)



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Pretrial Order #65 - August 29, 2013

(AMENDED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)

Pretrial Order #66 - September 6, 2013

(Agreed Order and Stipulation Regarding Hernia Mesh Documents)

Pretrial Order #69 - September 20, 2013

(Order Granting Omnibus Motion by Plaintiffs to Amend the Membership of the Plaintiffs' Steering Committee)

Pretrial Order #70 - September 26, 2013

(Plaintiffs' Motion to Compel Production of Sales Representative Files)

Pretrial Order #72 - October 2, 2013

(Order Amending PTO #65 to Require Copies of Complaints Filed Under Delayed Filing Agreements)

Pretrial Order #74 - October 9, 2013

(Docket Control Order on Second Round of Bellwethers - Huskey and Edwards)

Pretrial Order #75 - October 10, 2013

(First Amended Docket Control Order on Second Round of Bellwethers - Huskey and Edwards)

(REVISED Short Form Complaint and Amended Short Form Complaint re: Addition of Cook Defendants; REVISED Motion to Transfer MDL)

Pretrial Order #80 - November 22, 2013

(Final Order Regarding Severance of Actions)

Pretrial Order #87 - December 13, 2013

(Motion to Establish Order of Discovery and Request for In-Person Hearing)

Pretrial Order #88 - December 20, 2013

(SHOW CAUSE ORDER REGARDING DISMISSAL OF ADDITIONAL COOK ENTITIES)

Pretrial Order #91 - January 3, 2014

(THIRD AMENDED ORDER REGARDING DELAYED FILING AND APPLICATION TO THE STATUTE OF LIMITATIONS)

Pretrial Order #93 - January 17, 2014

(Hearing on Motion for a Finding of Spoliation and for Sanctions)

Pretrial Order #94 - January 17, 2014

(FOURTH AMENDED DOCKET CONTROL ORDER)

(Hearing on Motion for a Finding of Spoliation and for Sanctions)



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Pretrial Order #97 - January 28, 2014

(ORDER GRANTING SECOND OMNIBUS MOTION BY PLAINTIFFS TO AMEND THE MEMBERSHIP OF THE PLAINTIFFS' STEERING COMMITTEE)

Pretrial Order #98 - January 29, 2014

(Bellwether Case Selections Round III Prolift Trial Plaintiffs and Rescheduling of Trial)

Pretrial Order #100 - February 4, 2014

(Plaintiffs' Motion for a Finding of Spoliation and for Sanctions)

Pretrial Order #101 - February 18, 2014

(SHOW CAUSE ORDER RE: MOTION TO APPOINT LIEN RESOLUTION ADMINISTRATOR)

Feb 18, 2014 : Lewis v. Ethicon : MDL TTVT—directed verdict for Defendant

Pretrial Order #102 - February 24, 2014

Pretrial Order #105 - February 27, 2014

(Order Appointing Lien Resolution Administrator)

Pretrial Order #106 - March 4, 2014

(Daniel J. Christensen and MedStar Funding, LC's Motion to Quash or Modify Subpoenas Issued by Ethicon, Inc.)

Pretrial Order #109 - March 14, 2014

(SECOND AMENDED DOCKET CONTROL ORDER ON SECOND ROUND OF BELLWETHERS Huskey and Edwards)

Pretrial Order #111 - March 19, 2014

(Hearing on Motion to Deem Requests for Admission Admitted or Compel; Motion to Determine Sufficiency of Answers and Objections to First Requests for Admissions; and Request for Clarification and Reconsideration for Finding of Spoliation and for Sanctions)

Pretrial Order #114 - April 17, 2014

(Hearing on Motion to Deem Requests for Admission Admitted or Compel; Motion to Determine Sufficiency of Answers and Objections to First Requests for Admissions; and Request for Clarification and Reconsideration for Finding of Spoliation and for Sanctions)

Pretrial Order #116 - May 6, 2014

(THIRD AMENDED DOCKET CONTROL ORDER ON SECOND ROUND OF BELLWETHERS – Huskey and Edwards)



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Pretrial Order #118 - May 29, 2014

(Revised Short Form Complaint and Amended Short Form Complaint re: Addition of Neomedic Entities and Removal of Ethicon, LLC)

Pretrial Order #119 - May 29, 2014

(Hearing on Motion for Order Requiring Preservation of Explanted Mesh)

Pretrial Order #121 - June 17, 2014

(Defendants' Motion for an Order Requiring Preservation of Explanted Mesh)

Pretrial Order #122 - June 23, 2014

(FOURTH AMENDED DOCKET CONTROL ORDER ON SECOND ROUND OF BELLWETHERS – Huskey and Edwards)

Pretrial Order #132 - August 5, 2014

(Sixth Amended Docket Control Order on Second Round of Bellwethers - Huskey and Edwards)

Pretrial Order #133 - August 6, 2014

(Defendants' Motion to Deem Requests for Admissions Admitted)

Pretrial Order #134 - August 14, 2014

(Order Amending Pretrial Order # 62)

Sept 5, 2014: Huskey v. Ethicon, verdict for plaintiff TVT-O, 3.27million... Wexler Wallace; Motley Rice.

Pretrial Order #135 - October 15, 2014

(First Amended Docket Control Order – Bellew)

Pretrial Order #159 - December 2, 2014

(SECOND AMENDED DOCKET CONTROL ORDER – Bellew)

Pretrial Order #180 - June 2, 2015

Plaintiffs' Motion to Clarify and Amend PTO # 17 and Plaintiff Leadership Counsel's Position on Defendants' Motion for Sanctions [Docket # 1558]

Pretrial Order #182 - June 12, 2015

(Order Consolidating above Cases for Trial on Issue of Design Defect)

Pretrial Order #183 - June 30, 2015(Order Vacating PTO # 182)

Pretrial Order #184 - July 1, 2015

(Order Consolidating above Cases for Trial on Issue of Design Defect)



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Pretrial Order #185 - July 1, 2015

(Briefing Order re: Pending Motions for Clarification on Consolidated TTV Cases)

Pretrial Order #190 - August 12, 2015

(Agreed Order and Stipulation Regarding Pathology Protocol for Preservation and Testing of Explants and Tissue Samples Taken from Plaintiffs)

Pretrial Order #192 - August 19, 2015

(Docket Control Order – Wave 1 Cases)

Pretrial Order #193 - August 19, 2015

(CORRECTED Docket Control Order – Wave 1 Cases)

Pretrial Order #194 - August 25, 2015

(First Amended Order Consolidating above Cases for Trial on Issue of Design Defect)

Oct 5, 2015, Dallas Tx state court Cavness v. Ethicon. Defendants verdict.

Pretrial Order #196 - October 9, 2015

(Order re: Defendants' Motion to Enforce Pretrial # 17)

Pretrial Order #197 - October 13, 2015

(Defendants' Motion for an Order Regulating Plaintiffs' Counsels' Ex Parte Contacts with Treating Physicians)

Pretrial Order #201 - October 29, 2015

(ORDER ESTABLISHING REPORTING ON PAYMENT TO THE MDL 2327 FUND)

Pretrial Order #205 - November 20, 2015

(Second Amended Docket Control Order – Wave 1 Cases)

Pretrial Order #206 - November 20, 2015

(Docket Control Order – Wave 2 Cases)

Pretrial Order #207 - December 16, 2015

(Ethicon's Motions for Protective Order)

Pretrial Order #210 - December 18, 2015

(Docket Control Order – Wave 3 Cases)

Dec 22, 2015. Hammonds v. Ethicon. Philadelphia/ PA State Court 12 million. Spector-Slater.



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Pretrial Order #211 - January 15, 2016

(ORDER ESTABLISHING CRITERIA FOR APPLICATIONS TO MDL 2327 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT AND APPOINTMENT OF COMMON BENEFIT FEE AND COST COMMITTEE)

Pretrial Order #214 - February 18, 2016

(Plaintiffs' Motion for to Define the Permissible Scope of Wave 1 DMEs)

Pretrial Order #215 - March 1, 2016

(Wave 1 Cases – Briefing Schedule on Disputed Venue Recommendations)

Pretrial Order #216 - March 11, 2016

Plaintiffs' Emergency Motion to Reconsider the Scope of Wave 1 DMEs

Pretrial Order #221 - April 4, 2016

(ORDER REGARDING INTERIM REIMBURSEMENT OF COSTS)

Pretrial Order #233 - May 5, 2016

(Order Granting Motion re: Interim Reimbursement of Costs)

Pretrial Order #234 - June 15, 2016

(Fourth Amended Docket Control Order – Wave 1 Cases)

Pretrial Order #235 - July 20, 2016

(Order Scheduling Status Conference and Meetings in MDLs on September 13-14, 2016)

### e. Coloplast

Immediate position by Defendant to enter resolution

Extended individual inventory resolution.

Extremely slow resolution

No active discovery

No trial settings

### Orders

Pretrial Order #1 - August 20, 2012

(Initial Conference and Case Management)



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Pretrial Order #2 - September 21, 2012

(Initial Hearing Summary, Counsel Structure, Plan for Proceeding Forward, Future Status Conferences)

Pretrial Order #5 - October 2, 2012

(Stipulated Protective Order)

Pretrial Order #6 - October 4, 2012

(Agreed Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues)

Pretrial Order #9 - November 5, 2012

(Order Appointing Defendants' Co-Liaison Counsel for MDL 2387)

Pretrial Order #10 - December 13, 2012

(Direct Filing Order; Master Complaint, Short Form Complaint, Amended Short Form Complaint and Master Responsive Pleadings Due Date)

Pretrial Order #15 - January 8, 2013

(Amended Master Complaint; Revised Short Form and Amended Short Form Complaints re: removal of ABISS)

Pretrial Order #17 - January 22, 2013

(Order Updating Leadership Counsel Contact Information for MDLs 2187, 2325, 2326, 2327 and 2387)

Pretrial Order #24 - April 3, 2013

(AGREED ORDER RE: DISMISSAL OF ENDO ENTITIES IN ALL CASES)

Order - April 5, 2013

(Discovery Referral)

Pretrial Order #26 - April 19, 2013

(Show Cause Order Regarding Dismissal of Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A.)

Pretrial Order #27 - May 9, 2013

(Plaintiffs' Request to Modify Stipulated Pretrial Orders to Allow Access and Exchange of Confidential Information Among MDLs)

Pretrial Order #28 - May 28, 2013

(AGREED ORDER RE: DISMISSAL OF COLOPLAST A/S, COLOPLAST MANUFACTURING US, LLC, AND PORGES S.A. IN ALL CASES)

Pretrial Order #32 - August 26, 2013

(AGREED ORDER ESTABLISHING MDL 2387 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT)



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Pretrial Order #34 - September 20, 2013

(Order Granting Omnibus Motion by Plaintiffs to Amend the Membership of the Plaintiffs' Steering Committee)

Pretrial Order #39 - December 6, 2013

(Order Amending PTO # 2 - Counsel Structure)

Pretrial Order #40 - December 13, 2013

(Motion to Establish Order of Discovery and Request for In-Person Hearing)

Pretrial Order #41 - December 20, 2013

(

Pretrial Order #48 - January 28, 2014

(ORDER GRANTING SECOND OMNIBUS MOTION BY PLAINTIFFS TO AMEND THE MEMBERSHIP OF THE PLAINTIFFS' STEERING COMMITTEE)

Pretrial Order #50 - February 18, 2014

(SHOW CAUSE ORDER RE: MOTION TO APPOINT LIEN RESOLUTION ADMINISTRATOR)

Pretrial Order #52 - February 27, 2014

(Order Appointing Lien Resolution Administrator)

Pretrial Order #59 - August 14, 2014

(Order Amending Pretrial Order # 32)

Pretrial Order #60 - October 16, 2014

(Order Rescheduling Status Conference – Coloplast ONLY)

Pretrial Order #61 - November 12, 2014

(ORDER TO ADMINISTER SETTLEMENTS RESOLVING CASES AND CLAIMS OF ANDRUS WAGSTAFF, P.C. PLAINTIFFS)

Pretrial Order #65 - January 15, 2015

(Order re: Coloplast Corp.'s Early Case Assessment and Tolling Agreement)

Pretrial Order #70 - August 14, 2015

(Order Approving the Kell Lampin Qualified Settlement Fund)

Pretrial Order #71 - August 31, 2015

(Order Approving the Beasley Allen Qualified Settlement Fund)

Pretrial Order #72 - August 31, 2015

(Order Approving the Law Offices of Fenstersheib & Associates, P.A. Qualified Settlement Fund)

Pretrial Order #73 - September 2, 2015

(Order Re: Qualified Settlement Fund – Coloplast – Lanier Law Firm)



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Pretrial Order #74 - September 14, 2015  
(Docket Control Order Wave 1 Cases)

Pretrial Order #75 - September 29, 2015  
(ORDER APPROVING WATERS & KRAUS/JOHNSON LAW GROUP QUALIFIED SETTLEMENT FUND)  
(ORDER ESTABLISHING REPORTING ON PAYMENT TO THE MDL 2387 FUND)

Pretrial Order #80 - November 23, 2015  
(Third Amended Docket Control Order – Wave 1 Cases)

Pretrial Order #81 - December 3, 2015  
(ORDER RE: QUALIFIED SETTLEMENT FUND – COLOPLAST – BLIZZARD & NABERS)

Pretrial Order #82 - December 4, 2015  
(Order Appointing J. Steve Mostyn as Co-Lead Plaintiffs' Counsel)

Pretrial Order #83 - December 11, 2015  
(Revised Authorizations attached to Plaintiff Profile Form and Plaintiff Fact Sheet)

Pretrial Order #84 - December 18, 2015  
(ORDER TO ADMINISTER SETTLEMENTS RESOLVING CASES AND CLAIMS OF ANDRUS WAGSTAFF, P.C. PLAINTIFFS)

Pretrial Order #85 - January 15, 2016  
(ORDER ESTABLISHING CRITERIA FOR APPLICATIONS TO MDL 2387 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT AND APPOINTMENT OF COMMON BENEFIT FEE AND COST COMMITTEE)

Pretrial Order #86 - January 15, 2016  
(Fourth Amended Docket Control Order – Wave 1 Cases)

Pretrial Order #87 - February 4, 2016  
(Order Scheduling Status Conference and Meetings in MDLs on April 6-7, 2016)

Pretrial Order #88 - February 23, 2016  
(ORDER RE: ZIMMERMAN REED QUALIFIED SETTLEMENT FUND)

Pretrial Order #89 - February 26, 2016  
(ORDER APPOINTING HON. JAMES ROSENBAUM AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENT BETWEEN COLOPLAST AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #90 - March 15, 2016  
(Fifth Amended Docket Control Order – Wave 1 Cases & General Stay of Discovery)

Pretrial Order #91 - April 4, 2016  
(ORDER REGARDING INTERIM REIMBURSEMENT OF COSTS)



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Pretrial Order #92 - April 7, 2016

(Order CANCELLING Status Conference on April 7, 2016)

Pretrial Order #93 - April 8, 2016

(Order Re: Qualified Settlement Fund-Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor P.A.)

Pretrial Order #94 - April 11, 2016

(Sixth Amended Docket Control Order Wave 1 Cases & General Stay of Discovery)

Pretrial Order #95 - April 14, 2016

(Order Re: Fleming, Nolen & Jez Qualified Settlement Fund)

Pretrial Order #96 - April 29, 2016

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN COLOPLAST CORP. AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #97 - May 5, 2016

(Order Granting Motion re: Interim Reimbursement of Costs)

Pretrial Order #98 - May 5, 2016

(Seventh Amended Docket Control Order – Wave 1 Cases & General Stay of Discovery)

Pretrial Order #99 - May 19, 2016

(Order Re: Qualified Settlement Fund-Coloplast & Blasingame, Burch, Garrard & Ashley P.C.)

Pretrial Order #100 - May 19, 2016

(Eighth Amended Docket Control Order – Wave 1 Cases & General Stay of Discovery)

Pretrial Order #101 - May 19, 2016

(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN COLOPLAST AND CERTAIN PLAINTIFFS' COUNSEL)

Pretrial Order #102 - June 9, 2016

(Docket Control Order Coloplast Wave 1 Cases)

Pretrial Order #103 - June 10, 2016

(First Amended Docket Control Order Coloplast Wave 1 Cases)

Pretrial Order #104 - June 10, 2016

(Coloplast Wave 2 Cases)

Pretrial Order #105 - June 21, 2016

(Order re: Amending PTO # 12 and Adopting Plaintiff Fact Sheets and Defendant Fact Sheets)

Pretrial Order #106 - June 27, 2016

(Order Re: Qualified Settlement Fund-Ashcraft & Gerel, LLP, et al.)



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Pretrial Order #107 - July 8, 2016  
(Docket Control Order – Coloplast Wave 2 Cases)

Pretrial Order #108 - July 20, 2016  
(Order Scheduling Status Conference and Meetings in MDLs on September 13-14, 2016)

Pretrial Order #109 - August 12, 2016  
(Second Amended Docket Control Order – Coloplast Wave 1 Cases)

Pretrial Order #110 - August 12, 2016  
(First Amended Docket Control Order – Coloplast Wave 2 Cases)

Pretrial Order #111 - August 23, 2016  
(Order Re: Qualified Settlement Fund - Motley Rice LLC and Participating Law Firms)

## f. Cook

Biologic material. poor liability case. Coleads Mueller, Anderson, Crump, and Burnette.

One failed bellweather....On eve of bellwether trial, case resolved awkwardly.

Resolution on a universal basis.

## Orders

Pretrial Order #1 - June 13, 2013  
(Initial Conference and Case Management)

Pretrial Order #2 - July 16, 2013  
(Re: Rescheduling Start Time of Initial Conference)

Pretrial Order #4 - July 30, 2013  
(Appointment of Leadership Counsel)

Pretrial Order #6 - August 6, 2013  
(Initial Hearing Summary; Plan for Proceeding Forward)

Pretrial Order #7 - September 20, 2013  
(ORDER GRANTING OMNIBUS MOTION BY PLAINTIFFS TO AMEND THE MEMBERSHIP OF THE PLAINTIFFS' STEERING COMMITTEE)

Pretrial Order #8 - October 8, 2013  
(Plaintiff Profile Forms, Plaintiff Fact Sheet, and Defendant Fact Sheet)

Pretrial Order #10 - October 23, 2013  
(Stipulated Protective Order)



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Pretrial Order #11 - October 28, 2013

(Agreed Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues)

Pretrial Order #12 - October 28, 2013

(Agreed Order Establishing MDL 2440 Fund to Compensate and Reimburse Attorneys for Services Performed and Expenses Incurred for MDL Administration and Common Benefit)

Pretrial Order #13 - November 14, 2013

(REVISED Short Form Complaint and Amended Short Form Complaint re: Addition of Cook Defendants; REVISED Motion to Transfer MDL)

Pretrial Order #14 - November 20, 2013

(Corrected Short Form Complaint and Amended Short Form Complaint)

Pretrial Order #17 - December 6, 2013

(Order Amending PTO # 4 - Counsel Structure)

Pretrial Order #18 - December 13, 2013

(Stipulation for the Production of Documents and Electronically Stored Information Protocols)

Pretrial Order #23 - January 17, 2014

(AGREED ORDER RE: DISMISSAL OF ADDITIONAL COOK ENTITIES IN ALL CASES)

Pretrial Order #25 - January 25, 2014

(ORDER GRANTING SECOND OMNIBUS MOTION BY PLAINTIFFS TO AMEND THE MEMBERSHIP OF THE PLAINTIFFS' STEERING COMMITTEE)

Pretrial Order #29 - February 27, 2014

(Order Appointing Lien Resolution Administrator)

Pretrial Order #30 - February 28, 2014

(Order Ruling on Motions related to Discovery Pool)

Pretrial Order #31 - March 12, 2014

(Briefing Schedule and Hearing on Plaintiffs' Motion to Compel Production of Hernia Documents and Plaintiffs' Motion to Compel Production of Documents)

Pretrial Order #32 - March 13, 2014

(Scheduling of Discovery Conferences)

Pretrial Order #34 - April 5, 2014

(Plaintiffs' Motion to Compel Production of Documents)

Pretrial Order #35 - April 7, 2014

(Plaintiffs' Motion to Compel Production of Hernia Documents)



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Pretrial Order #38 - April 17, 2014

(Plaintiffs' Motion to Compel Additional Time, for Reimbursement Of Costs, and For Deposition Document Protocol)

Pretrial Order #39 - April 28, 2014

(Deposition Protocol)

Pretrial Order #40 - April 29, 2014

(Scheduling of Discovery Conferences)

Pretrial Order #41 - May 29, 2014

(Revised Short Form Complaint and Amended Short Form Complaint re: Addition of Neomedic Entities and Removal of Ethicon, LLC)

Pretrial Order #43 - June 30, 2014

(Agreed Protocol for Medical Examinations)

Pretrial Order #49 - December 10, 2014

(AGREED ORDER AND STIPULATION REGARDING PATHOLOGY PROTOCOL FOR PRESERVATION AND TESTING OF PLAINTIFFS' TISSUE SAMPLES AND HANDLING OF PLAINTIFFS' PATHOLOGY SLIDES)

Pretrial Order #52 - January 13, 2015

(Order Designating Bellwether Cases)

Pretrial Order #56 - March 23, 2015

(Fourth Amended Docket Control Order)

Pretrial Order #57 - April 2, 2015

(

Pretrial Order #68 - October 29, 2015

(ORDER ESTABLISHING REPORTING ON PAYMENT TO THE MDL 2440 FUND)

Pretrial Order #69 - December 1, 2015

(Sixth Amended Docket Control Order for Remaining Cook MDL Cases (Cook Wave 1))

Pretrial Order #71 - January 15, 2016

(ORDER ESTABLISHING CRITERIA FOR APPLICATIONS TO MDL 2440 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT AND APPOINTMENT OF COMMON BENEFIT FEE AND COST COMMITTEE)

Pretrial Order #72 - February 2, 2016

(Seventh Amended Docket Control Order for Remaining Cook MDL Cases (Cook Wave 1))

Pretrial Order #73 - February 4, 2016

(Order Scheduling Status Conference and Meetings in MDLs on April 6-7, 2016)



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Pretrial Order #74 - April 4, 2016

(ORDER REGARDING INTERIM REIMBURSEMENT OF COSTS)

(Eighth Amended Docket Control Order for Remaining Cook MDL Cases (Cook Wave 1))

Pretrial Order #77 - May 5, 2016

(Order Granting Motion re: Interim Reimbursement of Costs)

Pretrial Order #78 - July 20, 2016

(Order Scheduling Status Conference and Meetings in MDLs on September 13-14, 2016)

**g. Neomedic**

MDL status.

Resolution program for very low values.

**Orders**

Pretrial Order #1 - February 25, 2014

(Initial Conference and Case Management)

Pretrial Order #4 - March 25, 2014

(Final Order Regarding Severance of Actions)

Pretrial Order #7 - May 13, 2014

(Initial Hearing Summary, Counsel Structure, Plan for Proceeding Forward, Future Status Conferences)

Pretrial Order #8 - May 21, 2014

(Stipulated Protective Order)

Pretrial Order #9 - May 29, 2014

(Direct Filing Order; Master Complaint, Short Form Complaint, Amended Short Form Complaint and Master Responsive Pleadings Due Date)

Pretrial Order #16 - March 10, 2015

(ORDER APPOINTING ETHAN GREENE AS SPECIAL MASTER)

Pretrial Order #17 - May 4, 2015

(ORDER RE: ETHAN GREENE, SPECIAL MASTER)

Pretrial Order #18 - June 24, 2015

(Order Appointing Karen Beyea-Schroeder as Co-Lead Plaintiffs' Counsel)

Pretrial Order #19 - December 1, 2015

(ORDER RE: ETHAN GREENE, SPECIAL MASTER)



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Pretrial Order #20 - December 22, 2015

(Agreed Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues)

Pretrial Order #21 - December 22, 2015

(AGREED ORDER ESTABLISHING MDL 2511 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT)

Pretrial Order #22 - January 15, 2016

(ORDER ESTABLISHING REPORTING ON PAYMENT TO THE MDL 2511 FUND)

Pretrial Order #23 - January 15, 2016

(ORDER ESTABLISHING CRITERIA FOR APPLICATIONS TO MDL 2511 FUND TO COMPENSATE AND REIMBURSE ATTORNEYS FOR SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL ADMINISTRATION AND COMMON BENEFIT AND APPOINTMENT OF COMMON BENEFIT FEE AND COST COMMITTEE)

Pretrial Order #24 - January 26, 2016

(Order Re: Qualified Settlement Fund ♦ MDL 2511 Co-Lead Counsel)

Pretrial Order #26 - March 2, 2016

(Order Amending Order Appointing Karen Beyea-Schroeder as Co-Lead Plaintiffs' Counsel)

Pretrial Order #27 - April 4, 2016

(ORDER REGARDING INTERIM REIMBURSEMENT OF COSTS)

Pretrial Order #29 - May 5, 2016

(Order Granting Motion re: Interim Reimbursement of Costs)

Pretrial Order #30 - July 12, 2016

(QUALIFIED PROTECTIVE ORDER)

### **3. Products**

#### **Bard POP: Avaulta**

#### **Bard SUI: Pinnacle**

#### **AMS: POP: Apogee**

#### **Perigee**



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**Intepro**

**Intepro Lite**

**Elevate**

**Elevate Posterior**

**AMS:SUI: SPARC**

**Monarc**

**Miniarc**

**Boston Scientific: POP Pinnacle**

**Uphold**

**Uphold Lite**

**Boston Scientific SUI: Advantage**

**Advantage FIT**

**Obtryx**

**Solyx**

**Ethicon POP: Gynamesh**

**Prolift**

**Ethicon TVT: TTV**

**TTV-O**

**TTV-abbrevo**



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#### 4. Courts: MDL and states

##### a. Judges-major consolidations

**Federal MDLS: Joseph Robert Goodwin**

**NJ (Bard): Judge Higbee/ now Judge Nelson Johnson**

**NJ (ETHICON ): Judge Higbee/now Rachelle Harz**

**Mass (Boston Scientific) Judge Kampmyer/now**

**Del. (AMS) Judge Johnson**

**Minn.: (AMS)**

##### b. Discovery

##### c. Trial transvaginal Mesh Verdicts

A chronology of the eighteen (18) plaintiffs' verdicts and six (6) defense verdicts, settlements, manufacturers, products, and jurisdictions follows:

1. 7/12: \$5.5 million - Christine Scott - C.R. Bard Avaulta Plus - CA
2. 2/13: \$11.11 million - Linda Gross - Ethicon/JJ Prolift - NJ
3. 8/13: \$2 million - Donna Cisson - C.R. Bard Avaulta - MDL WV
4. 2/14: \$0 - Carolyn Lewis - Ethicon/JJ TVT-O - MDL WV
5. 4/14: \$1.2 million - Linda Batiste - Ethicon/JJ TVT-O - TX
6. 7/14: \$0 - Diane Albright - Boston Scientific Pinnacle - MA
7. 8/14: \$0 - Maria Cardenas - Boston Scientific Obtryx - MA
8. 9/14: \$3.27 million - Jo Huskey - Ethicon/JJ TVT-O - MDL WV



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9. 9/14: \$73.465 million - Martha Salazar - Boston Scientific Obtryx - TX
10. 11/14: \$6.7+ million - Amal Eghnayem - Boston Scientific Pinnacle - MDL FL
11. 11/14: \$6.7+ million - Margarita Dotres - Boston Scientific Pinnacle - MDL FL
12. 11/14: \$6.7+ million - Mania Nunez - Boston Scientific Pinnacle - MDL FL
13. 11/14: \$6.5+ million - Juana Betancourt - Boston Scientific Pinnacle - MDL FL
14. 11/14: \$5.25 million - Jeanie Blankenship - Boston Scientific Obtryx - MDL WV
15. 11/14: \$4.75 million - Chris Wilson - Boston Scientific Obtryx - MDL
16. 11/14: \$4.25 million - Carol Campbell - Boston Scientific Obtryx - MDL
17. 11/14: \$4.25 million - Jacquelyn Tyree - Boston Scientific Obtryx - MDL
18. 2/15: Settled - Wise v. Bard in the MDL
19. 3/15: Settled - Bellew v. Ethicon (Prolift) in the MDL;
20. 5/15: Settled - Sanchez v. Boston Scientific (Pinnacle) - CA
21. 3/15: \$5.7 million - Coleen Perry - Ethicon/JJ Abbrevo sling - CA
22. 5/15: \$100 million - Deborah Barda v. Boston Scientific Pinnacle and Advantage Fit - DL
23. 10/15: \$0 - Carol Cavness v. Ethicon/JJ Prosima - TX
24. 10/15: \$0 - Martha Carlson v. Boston Scientific Uphold - NC
25. 12/15: \$12.5 million - Hammons v. Ethicon/JJ (Prolift) - PA
26. 2/16: \$0 - Sherrer v. Boston Scientific Solyx and Bard Align - MO
27. 2/16: \$13.5 - Carlino v. Ethicon/JJ (TVT) - PA



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## 5. Players

a. MDL leadership....I have imported the Federal Website to list relevant orders chronologically. As long as you are referring to this memo electronically, you may hyperlink to the orders appointing g leadership and keeping track of the various leadership positions as well as recitation to the orders governing administrative requirements.....

## 6. Organization and Rules

- a. MDL CMOs
- b. State Court consolidations
- c. Contractual undertakings with MDL –state
- d. Financial

## 7. Resolution

- a. AMS
- b. Bard
- c. Coloplast
- c. Boston Scientific
- d. Cook
- e. Ethicon

## 8. Common Fund: hours reimbursed and held expenses.

Below is John Jenkins latest printout of reimbursed costs; held costs; and claimed hours:

The hours are substantially unreviewed and several decisions need to be reached as they are audited:



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1. **Role of state court efforts.** As someone who saw the impact of Barba on buckling the knees of Boston Scientific, I am of a mind that properly submitted hours should be considered in cases that helped the process..
2. **Role of bell weather and wave preparation in cases that did not result in trial/verdict/or courthouse step resolution after workup.** I am aware that we encouraged people not to fold up and go home on these cases, even the marginal ones----what is the reward for pressing these cases and staying in compliance with the court in terms of settlement/resolution.
3. **Use of contract employees to general massive doc research hours**
4. **Use of contemporaneous reporting and other admin requirement to hold the line on late filed fee requests**

#### Cumulative Held Costs Per Firm Per MDL 8.24.15

Firm	AMS	Boston	Coloplast	Cook	CR Bard	Ethicon	Neomedic	Total
Anderson Law Offices	\$460.15	\$3,915.47	\$6,009.18	\$32,653.37	-	\$649,907.20	-	\$692,945.1
Andrus Wagstaff	-	\$838,923.94	-	-	-	-	-	\$838,923.9
Ashcraft & Gerel	\$87,194.78	\$1,786.03	-	-	\$17.47	\$17.48	-	\$89,015.1
Aylstock Witkin Kreis & Overh	32,935.53	\$42,893.30	\$7,356.18	21,420.83	116,748.91	\$1,134,979.04	-	\$1,356,333.1
Babbitt Johnson Osbourne &	-	\$79,946.58	-	-	-	-	-	\$79,946.1
Beasley Allen Crow Methvin P	477,547.17	\$476,146.18	-	51,452.42	591,963.00	\$754,270.43	-	\$2,351,379.1
Bell Law Firm	\$62,557.69	\$61,713.55	\$59,074.83	\$38,008.40	\$61,008.88	\$59,973.41	-	\$342,336.1
Bernstein Liebhard	-	\$0.00	-	-	-	\$487,208.53	-	\$487,208.5
Blasingame Burch Garrard &	\$174,967.12	\$761,117.49	-	-	\$6,000,546.11	\$2,687,171.03	-	\$9,623,801.7
Blizzard, McCarthy & Nabers	16,686.59	\$79,433.70	\$10,000.00	-	10,000.00	\$171,914.77	-	\$288,035.0
Burke Harvey & Frankowski	-	-	-	-	\$50,000.50	\$12.00	-	\$50,012.1
Chaffin Luhana LLP	10,315.62	\$10,315.62	\$10,773.61	-	10,315.62	\$10,315.62	-	\$52,036.0
Clark Love & Hutson	-	\$2,340,165.44	-	-	\$98,492.05	\$2,395.47	-	\$2,441,052.9
Cohen Placitella & Roth	-	\$0.00	-	-	108,607.67	\$370,192.51	-	\$478,800.1
Davis & Crump	\$106,048.04	\$130,914.09	-	\$134,979.61	\$70,851.45	\$59,069.25	-	\$501,862.4
Fibich Hampton Leebron Brig	44,492.51	\$56,669.79	-	45,965.72	9,887.97	\$5,261.65	-	\$162,277.6
Fleming Nolen & Jez MDL	\$41,618.22	\$87,420.38	-	\$6,101.28	\$37,584.21	\$13,269.74	\$1,514.22	\$187,508.0
Foote Meyers Mielke & Flowe	-	\$34,516.84	-	-	4,975.53	\$7,409.72	-	\$46,902.0
Frankovitch Anetakis Colanto	\$9,634.95	\$20,128.91	\$3,191.50	\$753.55	\$11,304.69	\$18,506.43	-	\$63,520.0
Freese & Goss	9,019.49	\$290,253.03	-	-	-	\$1,216,929.96	-	\$1,516,202.4
Girard Gibbs	\$1,313.70	\$1,124.50	\$1,124.50	-	-	\$1,313.70	-	\$4,876.4
Greene Ketchum Bailey Walk	-	\$5,329.11	-	-	413,437.24	-	-	\$418,766.3
Hanly Conroy Bierstein Sherid	\$46,318.75	\$46,141.19	\$41,666.65	\$42,220.50	\$42,333.77	\$60,733.45	-	\$279,414.3
Hersh & Hersh	220,253.58	\$0.00	-	-	-	-	-	\$220,253.5
Johnson Becker MDL	\$260,168.61	\$11,886.23	-	-	-	-	-	\$272,054.8
Kline & Specter	2,698.52	\$607.80	-	-	-	\$1,482,031.78	-	\$1,485,338.1
Lanier Law Firm	-	\$66,767.93	-	-	\$162,613.22	\$206.41	-	\$229,587.5
Levin Papantonio Thomas Mit	13,390.31	\$20,338.12	-	-	74,997.96	\$49,834.58	-	\$158,560.9
Levin Simes	\$324,748.17	\$130,998.47	-	-	\$38,059.28	\$38,084.49	-	\$531,890.4
Lewis & Roberts	-	\$0.00	-	-	-	\$352,080.30	-	\$352,080.3
Lockridge Grindal Nauen MDL	\$379,041.22	\$130,316.37	\$1,786.28	\$83.00	\$17,444.55	\$20,038.05	-	\$548,709.4
Matthews & Associates	-	\$151,806.40	-	-	7,963.29	\$723,911.72	-	\$883,681.4



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Monsour Law Firm MDL	\$74,984.57	\$150,665.06	-	\$3,317.66	\$17,309.12	\$64,415.85	-	\$310,692.
Moody Law Firm	5,676.02	\$4,879.31	-	-	-	-	-	\$10,555.
Morgan & Morgan	\$240.34	\$534.55	-	-	\$11,623.92	\$240.34	-	\$12,639.
Mostyn Law	-	\$61,621.17	\$22,200.35	-	-	-	-	\$83,821.
Motley Rice LLC	\$471,179.86	\$1,070,895.99	\$15,469.44	\$75.37	\$543,322.75	\$1,207,124.54	-	\$3,308,067.
Mueller Law MDL	254,526.16	\$457,267.43	\$98,948.69	-	328,005.07	\$1,229,002.01	-	\$2,367,749.
Nebblett Beard & Arsenault	\$41,746.97	\$41,746.57	\$116,746.45	-	\$41,746.57	\$42,428.35	-	\$284,414.
Oliver Law Group	190,713.41	\$0.00	-	854.66	-	\$52,067.79	-	\$243,635.
Potts Law Firm	-	-	\$774.18	-	\$925,818.57	-	-	\$926,592.
Reilly Ponzer	-	\$0.00	-	-	-	\$356,955.18	-	\$356,955.
Restaino Law Firm	-	-	-	-	-	\$17,744.59	-	\$17,744.
Riley Burnett Law Offices	-	\$0.00	\$10,268.43	-	672.90	-	-	\$10,941.
Robinson Calcagnie Robinson	\$1,287.55	\$6,398.51	\$1,287.55	-	\$4,918.78	\$1,287.55	-	\$15,179.
RodaNast	79,826.01	\$70,936.24	\$55,284.27	-	67,784.26	\$79,005.24	-	\$352,836.
Salim Beasley LLC	\$2,808.98	\$8,777.20	\$99,655.05	-	\$9,048.68	\$33,693.09	-	\$153,983.
Sanders Viener Grossman	\$178,850.81	\$32,959.67	\$23,719.04	-	\$51,191.90	\$23,894.59	-	\$310,616.
Saunders & Walker	-	-	-	-	-	\$134.64	-	\$134.
Wagstaff & Cartmell	\$148,738.10	\$89,821.68	\$12,143.33	\$11,786.81	\$311,756.35	\$2,246,704.92	-	\$2,820,951.
Wexler Wallace MDL	\$131,167.12	\$51,884.89	-	-	\$20,257.24	\$408,408.62	-	\$611,717.
Z Bertram & Graf LLC	-	\$13,484.11	-	-	\$45,595.64	-	-	\$59,079.
Z Carey Danis & Lowe	-	-	-	-	-	-	-	\$58,744.
Z Charles H Johnson	-	\$32,497.61	-	-	-	\$5,972.43	-	\$38,470.
Z Davis Bethune	-	-	-	-	-	-	-	\$1,054,470.
Z Doyle Lowther LLP	-	-	-	\$2,847.09	-	-	-	\$2,847.
Z Edwards Kirby	-	-	-	-	-	-	-	\$6,822.
Z Goza & Honnold	-	-	-	-	-	-	17,629.76	\$17,629.
Z Gustafson Gluek PLLC MDL	-	-	-	-	-	-	-	\$14,833.
Z Heninger Garrison Davis MD	-	\$6,438.04	-	-	-	-	-	\$6,438.
Z Herman Herman Katz	-	-	-	-	-	-	-	\$15,965.
Z Hissey Kientz	-	-	-	-	-	-	\$365,769.71	\$365,769.
Z Irpino Avin Higgins & Hawki	-	-	-	-	-	-	-	\$8,181.
Z Keith Miller Butler Schneide	-	\$12,018.79	-	-	\$20,344.15	\$63,501.08	-	\$95,864.
Z Kell Lampin	-	-	-	-	-	-	-	\$31,843.
Z Levensten Law Firm PC	\$970.53	\$568.30	-	-	-	-	-	\$1,538.

Firm	AMS	Boston	Coloplast	Cook	CR Bard	Ethicon	Neomedic	Total
Z Lopez McHugh	-	\$14,523.42	-	-	\$1,350.97	-	-	\$15,874.39
Z Mullins Duncan PLLC	-	-	-	-	\$144.94	\$4,536,369.36	-	\$4,536,514.30
Z Nations Law Firm	-	\$30,467.08	-	-	\$713.33	-	-	\$713.33
Z Perdue Kidd Vickery	-	\$71,582.99	-	-	-	-	-	\$71,582.99
Z Piscitelli Law Firm	-	-	-	-	-	3,875.39	-	\$3,875.39
Z Sadler Law Office (Paul Sadl)	-	-	-	-	\$11,838.56	-	-	\$11,838.56
Z Seeger Weiss	-	-	-	-	-	58,568.74	-	\$58,568.74
Z Simmons Browder Gianaris	-	-	-	\$8,058.67	-	14,990.80	-	\$23,049.47
Z Simon Law Firm STATE	\$10,000.00	-	-	-	-	-	-	\$10,000.00
Z Sommers Schwartz	-	-	-	-	-	7,857.42	-	\$7,857.42
Z Taylor Martino PC	\$1,413.50	\$5,898.36	-	-	-	-	-	\$7,311.86
Z Van Laningham Duncan	-	-	-	-	\$122,658.86	-	-	\$122,658.86
Z Verhine & Verhine	-	\$8,684.84	-	-	-	-	-	\$8,684.84
Z Watts Guerra LLP	\$2,759.92	\$129,280.99	-	-	\$101,732.56	5,338.91	-	\$239,112.38
Z Wilson Law	-	-	-	-	-	3,242.54	-	\$3,242.54
	\$3,955,633.05	\$8,784,376.91	\$597,479.51	\$415,326.45	\$11,159,756.01	\$21,250,309.22	\$1,514.22	\$46,164,395.37

Per Firm CB Time Cumulative 8.24.16

Firm	AMS	Boston	CR Bard	Coloplast	Cook	Ethico	Neomedic	Total
ANDERSON LAW	147.30	160.1	1480.2	64.9	2,139.65	27,795	0.00	31,787
ANDRUS WAGSTAFF	0.00	30800.65	0.00	0.00	0.00	0	0.00	30,800
ASHCRAFT GEREL	349.39	431.2	31.81	0.00	0.00	34	0.00	846
AYLSTOCK WITKEN KREIS	2,228.50	2279.4	8227.85	567.7	2108.75	3040	0.00	45,820
BABBITT JOHNSON OSBORNE	0.00	6140.9	0.00	0.00	0.00	242	0.00	6,383
BEASLEY ALLEN	9,614.31	4332.57	3229.23	0.00	852.64	687	0.00	24,906
BELL LAW FIRM	1,309.95	975.15	387.3	263.2	312.69	2,333	0.00	5,581
BERNSTEIN LIEBHARD	0.00	0.00	0.00	0.00	0.00	4,408	0.00	4,408
BERTRAM GRAF	0.00	366.5	103	0.00	0.00	0	0.00	469
BLASINGAME BURCH	4,054.90	4571.3	48451	10.7	0.00	7,525	0.00	64,613
BLIZZARD NABERS	73.70	842.85	54.1	0.00	0.00	3,001	0.00	3,971
BURKE HARVEY	0.00	0.00	22.5	0.00	0.00	341	0.00	364
CAPSHAW & ASSOCIATES	0.00	11.5	0.00	0.00	0.00	0	0.00	11
CAREY DANIS	0.00	3759.2	806.15	0.00	5908.9	0	0.00	10,474
CHAFFIN LUHANA	8.86	8.86	8.86	8.86	0.00	382	0.00	418
CLARK LOVE HUTSON	10.20	36812.8	5171.26	0.00	0.00	5,494	0.00	47,488
COHEN PLACITELLA ROTH	0.00	0.00	297.95	0.00	0.00	567	0.00	865
DAVIS BETHUNE JONES	0.00	1603.1	1590.1	0.00	0.00	0	0.00	3,193
DAVIS CRUMP	4,853.27	2,153.74	986.7	0.00	4,393.74	364	0.00	12,751
DOYLE LOWTHER LLP	0.00	0.00	0.00	0.00	345.15	0	0.00	345
EDWARDS KIRBY LLP	0.00	0.00	583.9	0.00	0.00	0	0.00	583
EVERS & PRESTON	0.00	0.00	0.00	0.00	0.00	2,619	0.00	2,619
FIBICH HAMPTON LEEBRON	2,627.02	2,966.32	230.71	16.7	5,524.66	523	0.00	11,888
FLEMING NOLEN JEZ	2,588.53	4069	1548.18	0.00	664.4	934	69.6	9,874
FRANKOVITCH ANETAKIS	207.15	671.03	224	105.15	405.35	51	0.00	2,131
FREESE AND GOSS	2,747.60	11232.12	165.6	0.00	0.00	35,305	0.00	49,450
GIRARD GIBBS	36.27	22.45	0.00	22.45	0.00	36	0.00	117
GOZA HONNOLD	0.00	0.00	0.00	0.00	0.00	1,654	0.00	1,654
GREENE KETCHUM	0.00	187.6	4725.8	0.00	0.00	0	0.00	4,913

GUSTAFSON GLUEK	1,139.20	0.00	0.00	0.00	0.00	0	0.00	0.00	1,139
HEARD ROBBINS	0.00	11.7	40.8	0.00	0.00	454	15.70	522	
HENINGER GARRISON DAVIS	0.00	950.55	0.00	0.00	0.00	0	0.00	0.00	950
HERMAN HERMAN	860.20	0.00	0.00	0.00	0.00	0	0.00	0.00	860
HERSH HERSH	2,327.35	0.00	0.00	0.00	0.00	0	0.00	0.00	2,327
HISSEY KIENTZ	0.00	0.00	0.00	0.00	0.00	1,266	0.00	0.00	1,266
IRPINO LAW FIRM	0.00	0	718.35	0.00	8.2	208	0.00	0.00	2,812
JOHNSON BECKER	3,214.80	28.6	0.00	0.00	0.00	0	0.00	0.00	3,243
JUNELL & ASSOCIATES	2,249.76	0	0.00	0.00	0.00	0	0.00	0.00	2,249
KEITH MILLER BUTLER	0.00	300.2	755.1	0.00	0.00	2,813	0.00	0.00	3,869
KELL LAMPIN	104.50	0	104.7	0.00	0.00	1,467	0.00	0.00	1,676
KLINE SPECTER	744.30	1266	170.6	347.38	0.00	26,228	0.00	0.00	28,756
LANIER FIRM	21.00	2798.52	330.05	0.00	0.00	92	0.00	0.00	3,241
LAW OFFICES OF CHARLES H	0.00	696.95	0.00	0.00	0.00	23	0.00	0.00	720
LEVENSTEN LAW FIRM	9.35	13.25	0.00	0.00	0.00	2	0.00	0.00	25
LEVIN PAPANTONIO	151.30	366.5	442.7	0.00	0.00	2,008	0.00	0.00	2,969
LEVIN SIMES	17,759.72	2824.3	933.55	0.00	0.00	1,493	0.00	0.00	23,011
LISA BLUE	0.00	0	439.3	0.00	0.00	0	0.00	0.00	439
LOCKRIDGE GRINDAL NAUEN	12,124.30	673.25	208.7	59	1558.6	2,895	0.00	0.00	17,519
LOPEZ MCHUGH	8.70	482.63	47.25	0.00	0.00	6	0.00	0.00	545
LYON FIRM	0.00	0.00	0.00	0.00	0.00	307	0.00	0.00	307
MATTHEWS & ASSOCIATES	606.75	2547.1	239.95	0.00	0.00	4,993	0.00	0.00	8,387
MAZIE SLATER KATZ	1.50	0.00	6	0.00	0.00	29,323	0.00	0.00	29,330

## Per Firm CB Time Cumulative 8.24.16

Firm	AMS	Boston	CR Bard	Coloplast	Cook	Ethicon	Neomedic	Total
MEYERS FLOWERS	0.00	1503.6	496.73	0.00	0.00	588.30	0.00	2,588.63
MILLER FIRM	12.00	0.00	0.00	0.00	0.00	100.00	0.00	112.00
MONSOUR LAW	966.20	9,092.55	884.45	0.00	281.3	2,555.55	0.00	13,780.05
MOODY LAW FIRM	1,093.30	1426.21	0.00	0.00	0.00	30.25	0.00	2,549.76
MORGAN MORGAN	3.90	49.36	466.28	0.00	0.00	4.00	0.00	523.54
MOSTYN LAW FIRM	0.00	2641	0.00	288.8	0.00	0.00	0.00	2,929.80
MOTLEY RICE	18,998.80	25,324.41	13,109.43	572.75	0.00	18,877.05	0.00	76,882.44
MUELLER LAW	3,280.50	5200.1	4542.19	609.67	0.00	15,041.33	0.00	28,673.79
NAST LAW	422.10	44.2	7.5	6	0.00	1,701.90	0.00	2,181.70
NATIONS LAW	0.00	98.6	0.00	0.00	0.00	0.00	0.00	98.60
NEBLETT BEARD ARSENault	163.12	168.07	168.11	168.39	0.00	198.75	0.00	866.44
OLIVER LAW GROUP	1,703.60	2.9	0.00	0.00	47.9	770.80	0.00	2,525.20
PERDUE KIDD VICKERY	0.00	3,371.55	0.00	0.00	0.00	0.00	0.00	3,371.55
PISCITELLI LAW FIRM	0.00	0.00	0.00	0.00	0.00	58.10	0.00	58.10
POTTS LAW FIRM	3.00	2018.9	26,890.78	186.8	94.1	1,732.10	149.2	31,074.88
PRITZKER OLSEN	0.00	0.00	0.00	0.00	54.3	0.00	0.00	54.30
REILLY POZNER	0.00	0.00	0.00	0.00	0.00	6,390.30	0.00	6,390.30
RESTAINO LAW	0.00	0.00	0.00	0.00	0.00	1,913.60	0.00	1,913.60
RILEY BURNETT	465.20	8.9	321.9	723.9	0.00	74.20	68.7	1,662.80
ROBINSON CALCAGNIE	29.60	83.7	105.7	29.6	0.00	29.60	0.00	278.20
SADLER LAW OFFICE	0.00	0.00	215.1	0.00	0.00	0.00	0.00	215.10
SALIM BEASLEY	124.17	622.37	994	2131.13	38.6	2,715.35	0.00	6,625.62

SANDERS VIENER GROSSMAN	347.26	320.7	252.48	33.58	0.00	500.68	0.00	1,454.70
SAUNDERS WALKER	0.00	36.55	14.45	0.00	82	57.05	0.00	190.05
SEEGER WEISS	0.00	0.00	0.00	0.00	0.00	697.05	0.00	697.05
SIMMONS BROWDER GIANARIS	0.00	0.00	0.00	0.00	233.3	3,172.35	0.00	3,405.65
SIMMONS HANLY CONROY	194.60	120.3	86.6	0.00	385.7	1223.8	0.00	2,011.00
SOMMERS SCHWARTZ	0.00	0.00	0.00	0.00	0.00	298.15	0.00	298.15
TAYLOR MARTINO	39.50	30	0.00	0.00	0.00	13.80	0.00	83.30
THE SIMON LAW FIRM	10.70	0.00	0.00	0.00	0.00	0.00	0.00	10.70
VAN LANINGHAM DUNCAN	0.00	0.00	10,621.90	0.00	0.00	0.00	0.00	10,621.90
VERHINE & VERHINE	0.00	63	139.25	0.00	0.00	0.00	0.00	202.25
WAGSTAFF CARTMELL	3,484.70	4194.8	6140.6	170.8	242.3	42,227.45	0.00	56,460.65
WATERS & KRAUS, LLP	0.00	0.00	506	0.00	0.00	0.00	0.00	506.00
WATTS GUERRA	146.70	1194.1	729.8	0.00	0.00	333.65	0.00	2,404.25
WEXLER WALLACE	12,519.44	5067.5	1103.3	0.00	0.00	16,217.93	0.00	34,908.17
WILSON LAW	0.00	0.00	0.00	0.00	19.31	306.7	0.00	326.01
	116,188.07	190,041.26	150,559.80	6,387.46	25,701.54	324,663.71	303.20	813,845.04

Summary - Common Benefit Fund Reimbursements Paid to Date Per PSC Firm						
Aylstock, Witkin Kreis & Overholtz PLLC	\$624,925.78					
Andrus Hood & Wagstaff	\$15,352.14					
Mueller Law Offices	\$116,765.10					
Motley Rice, LLC	\$469,877.12					
Wexler Wallace	\$221,765.86					
Blasingame Burch Garrard & Ashley	\$514,009.61					
Wagstaff & Carmell	\$785.65					
Clark, Love & Huston, GR	\$69,339.80					
Levin Simms LLP	\$55,000.00					
Davis Crump	\$50,639.40					
Monsour Law	\$20,000.00					
Braskey Allen	\$11,042.00					
Bell Law Firm	\$5,077.09					
	\$2,794,079.55					
TRANSACTION DETAIL						
Name	Paid Amount	AMS	Boston	ColoPlast	Ct. Bard	Cook
Aylstock, Witkin Kreis & Overholtz PLLC	\$6,000.21	15,000.05	14,000.05	14,000.05	14,000.05	14,000.05
Aylstock, Witkin Kreis & Overholtz PLLC	\$267.80	253.56	253.56	253.56	253.56	253.56
Aylstock, Witkin Kreis & Overholtz PLLC	\$65,320.86	65,580.22	65,580.22	65,580.22	65,580.22	65,580.22
Mueller Law Offices	\$16,265.10					
Blasingame Burch Garrard & Ashley	129,991.74	30,997.94	30,997.94	30,997.94	30,997.94	30,997.94
Blasingame Burch Garrard & Ashley	183,422.40					
Aylstock, Witkin Kreis & Overholtz PLLC	213,675.09					
Motley Rice, LLC	20,000.00					
Wexler Wallace	3,700.00	3,700.00				
Aylstock, Witkin Kreis & Overholtz PLLC	2,406.30					
Wagstaff & Carmell	785.65					
Motley Rice, LLC	255,616.50					
Aylstock, Witkin Kreis & Overholtz	1,045.15					
Motley Rice	7,000.00					
Andrus Hood & Wagstaff	\$460.00					
Motley Rice LLC	\$17,031.37					
Andrus Hood & Wagstaff	\$3,500.00					
Aylstock, Witkin Kreis & Overholtz	\$180.78					
Andrus Hood & Wagstaff	\$10,000.00	10,000.00				
Blasingame, Burch, Garrard & Ashley	\$300,595.47					
Motley Rice LLC	\$32,525.00					
Aylstock, Witkin Kreis & Overholtz	\$576.03					
Motley Rice LLC	\$18,750.00					
Aylstock, Witkin Kreis & Overholtz	\$15,363.40					
Motley Rice LLC	\$71,512.89					
Aylstock, Witkin Kreis & Overholtz	\$66,789.52					
Clark, Love & Huston, GP	\$2,194.65					
Wexler, Wallace	\$5,000.00					
Levin Simms LLP	15,000.00					
And Univ of Oklahoma Health Sci Ctr						
Reimbursements: Ducheyne; Muhi airfare; HighImpact invoice; transcripts						
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